

## Deposition of Jerry Saindon, 3/12/2014

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIAIN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (No. VI) MDL Docket No. 875

E.D. Pa. Case Nos.

Dianne Jacobs v. Owens-Illinois, 13-CV-60011  
Inc., et al.  
Cindy Zickert v. Bayer Crop Science, 13-CV-60013  
Inc., et al.

Harvey Helms v. 3M Company, et al. 13-CV-60018

Brian Heckel v. 3M Company, et al. 13-CV-60019

Deposition of JERRY SAINDON  
Wednesday, March 12, 2014  
9:43 a.m.  
at  
HOLIDAY INN CONFERENCE CENTER  
750 South Central Avenue  
Marshfield, Wisconsin

Reported by Lindsay DeWaide, RPR, RMR, CRR

Page 3

1 A P P E A R A N C E S: (continued)  
2 SEGAL McCAMBRIDGE SINGER & MAHONEY, Ltd., by  
3 Mr. James R. Williams  
233 South Wacker Drive, Suite 5500  
Chicago, Illinois 60606  
4 Appeared on behalf of 3M Company.  
56 ALSO PRESENT: Ms. Sally Saindon  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 2

1 Deposition of JERRY SAINDON, a witness in the  
2 above-entitled action, taken at the instance of the  
3 Plaintiffs, pursuant to the Federal Rules of Civil  
4 Procedure, pursuant to notice, before Lindsay DeWaide,  
5 Registered Professional Reporter, Certified Realtime  
6 Reporter, and Notary Public in and for the State of  
7 Wisconsin, at HOLIDAY INN CONFERENCE CENTER, 750 South  
8 Central Avenue, Marshfield, Wisconsin, on the 12th day  
9 of March, 2014, commencing at 9:43 a.m. and concluding  
10 at 1:30 p.m.  
11

## A P P E A R A N C E S:

12 CASCINO VAUGHAN LAW OFFICES, Ltd., by

13 Mr. Robert G. McCoy  
14 220 South Ashland Avenue  
Chicago, Illinois 60607  
15 Appeared on behalf of Plaintiffs.16 SCHIFF HARDIN LLP, by  
17 Mr. Edward M. Casmere  
233 South Wacker Drive, Suite 6600  
Chicago, Illinois 6060618 Appeared on behalf of Owens-Illinois, Inc.  
19 FORMAN, PERRY, WATKINS, KRUTZ & TARDY, LLP, by20 Ms. Tanya D. Ellis  
21 Ms. Ruth F. Maron  
City Center, Suite 100  
200 South Lamar Street  
Jackson, Mississippi 39201

22 Appeared on behalf of Weyerhaeuser Company.

23 GIERKE FRANK LLC, by  
24 Ms. Nora E. Gierke  
7604 Harwood Avenue, Suite 203  
Wauwatosa, Wisconsin 53213  
25 Appeared on behalf of General Electric Company.

Page 4

1 E X A M I N A T I O N  
2 PAGE  
3 BY MR. McCOY 7  
BY MS. ELLIS 37  
4 BY MR. CASMERE 85  
BY MR. WILLIAMS 87  
5 BY MS. GIERKE 95  
BY MR. McCOY 138  
6 BY MS. GIERKE 142  
BY MS. ELLIS 143  
7E X H I B I T S  
NUMBER PAGE IDENTIFIED10 No. 1 Notice of Deposition of 8  
Jerry Saindon  
11  
12 No. 2 4/3/03 Deposition Transcript of 8  
Jerry Saindon  
13 No. 3 5/20/03 Deposition Transcript of 8  
Jerry Saindon  
14  
15 No. 4 Packet of Documents 10  
16  
17 No. 5 5/23/73 Memo 107  
18  
19 No. 6 1/12/73 Handwritten Document 109  
20  
21 No. 7 1/15/73 Memo 111  
22  
23 No. 8 3/6/73 Memo 114  
24  
25 No. 9 4/3/73 Handwritten Note 116  
No. 10 5/16/73 Handwritten Memo 118  
No. 11 5/3/73 Memo 119  
No. 12 7/27/73 Memo 120  
No. 13 10/23/73 Memo 121  
No. 14 11/12/73 Memo 121

1 (Pages 1 to 4)

Deposition of Jerry Saindon, 3/12/2014

Page 5

EXHIBITS (cont'd)

NUMBER	PAGE IDENTIFIED
No. 15 1/11/74 Memo	122
No. 16 1/14/74 Memo	124
No. 17 Things to Do to Improve Mineral Core Dust in the Core Mill	128
No. 18 2/5/74 Memo	129
No. 19 4/30/74 Memo	130
No. 20 5/8/74 Memo	130
No. 21 6/8/76 Memo	133

(Original Exhibits 1-3 and 5-21 attached to original transcript; copies attached to copies of transcript.)

(Exhibit 4 retained by Attorney McCoy.)

Page 6

TRANSCRIPT OF PROCEEDINGS  
(Exhibit Nos. 1-4 marked for identification.)  
(Witness is sworn.)

MR. McCOY: Before we start, we have an agreement that what's going to be identified as Exhibit No. 4, which are documents that Mr. Saindon had from when he worked at Weyerhaeuser, that these -- this group of documents is going to be kept confidential until there can be some determination by the Court, at the request of Weyerhaeuser's counsel, as to whether there's privileged material within this. And he won't be questioned about the contents of any document that Weyerhaeuser today believes to be privileged.

MS. ELLIS: And this is Tanya Ellis for Weyerhaeuser.

I'll just add for the record that these documents were not produced to counsel, at least counsel for Weyerhaeuser, before today's deposition and that it remains to be questioned where this set of documents came from.

And so the documents will remain privileged and confidential until we get a court order saying otherwise.

Page 7

MR. CASMERE: I think we should note the Bates range for Exhibit 4 just so that there's no questions later on as to what this --

MR. McCOY: Sure.

MR. CASMERE: -- binder of documents is.

MR. McCOY: Sure. The Bates range -- all the documents in Exhibit 4 have been marked with the word "Saindon," and they're numbered from 00001 through 000333 consecutively, so --

MR. CASMERE: Thank you.

MR. McCOY: -- 333 pages.

Okay. Having put that on the record, then, are you ready to go?

THE WITNESS: I guess so.

MR. McCOY: Okay. All right.

THE WITNESS: Go home?

MR. McCOY: Right.

MR. CASMERE: Thank you, sir.

MR. McCOY: We'll get you home as quick as we can.

JERRY SAINDON, called as a witness herein, having been first duly sworn on oath, was examined and testified as follows:

E X A M I N A T I O N

Page 8

BY MR. McCOY:

Q Okay. I'd like you to begin, Mr. Saindon, by giving us your full name and spelling your last name for everybody.

MR. McCOY: Oh, before I start, I need to put this video on. Sorry about that.

BY MR. McCOY:

Q Okay. Mr. Saindon, what I'd like you to do first is to give us your name, your full name, and spell your last name for us.

A **Jerry Rodney Saindon.**

Q Okay.

A **S-A-I-N-D-O-N.**

Q And where do you live at now, Mr. Saindon?

A **205 South Vine.**

Q And you are retired from working at Weyerhaeuser; is that right?

A **Yes.**

Q Okay. Before we go further, I'd like to mark as Exhibit No. 1 the notice for today's deposition. Exhibit No. 2 is a transcript of a video deposition of Mr. Saindon that's from April 3rd of 2003.

Exhibit No. 3 is a transcript of the deposition of Mr. Saindon from May 20th of 2003.

2 (Pages 5 to 8)

Deposition of Jerry Saindon, 3/12/2014

Page 9

Page 11

1 So, Mr. Saindon, you've given testimony  
2 before in cases concerning Weyerhaeuser; is that  
3 right?  
4 **A Yes.**  
5 **Q** Okay. And we marked as Exhibits 2 and 3 two  
6 separate days of testimony.  
7 Is that all the ones that you remember?  
8 **A Yes.**  
9 **Q** Okay. And is there any changes that you can think  
10 of today to your past testimony?  
11 **A No.**  
12 MR. CASMERE: Objection.  
13 MS. ELLIS: Object to form. Foundation.  
14 MS. GIERKE: Join.  
15 MR. CASMERE: Can we have a stipulation  
16 that an objection for one is an objection for all,  
17 unless you opt out?  
18 MR. McCOY: Sure.  
19 MR. CASMERE: Thank you.  
20 BY MR. McCOY:  
21 **Q** Okay. And your answer is?  
22 **A Do you want to repeat that now?**  
23 **Q** Okay. The question was, subject to these  
24 objections: Is there any changes you can think of  
25 today to your past testimony?

1 **here or just --**  
2 **Q** I think the only time we need to mention the  
3 numbers, if there's one that you don't think --  
4 **A Oh.**  
5 **Q** -- is a document you had at Weyerhaeuser.  
6 **A Okay. This looks like it was taken out of a trade**  
7 **magazine or something. I don't know.**  
8 **These all appear to be from the file, as near**  
9 **as I can remember.**  
10 **Q** Okay.  
11 **A Some of that's my own writing, and I can't read it**  
12 **myself. As near as I can tell, they look like**  
13 **they were from my files.**  
14 **Q** Files at Weyerhaeuser of yours?  
15 **A Yeah. I would say, yes.**  
16 **Q** Okay. And as far as your -- when you left  
17 Weyerhaeuser, were these documents, then, that you  
18 had kept in your possession?  
19 **A Yes.**  
20 **Q** And then you provided copies of those back in, I  
21 think, 2002 or 2003, in connection with the case  
22 of Larry Rogers, to my law firm; is that right?  
23 **A Yes.**  
24 MS. ELLIS: Object to form.  
25

Page 10

Page 12

1 **A Not that I can think of, no.**  
2 **Q** Okay. Now, we've also marked today as  
3 Exhibit No. 4 a group of documents which is  
4 Bates-stamped numbered "Saindon" beginning with  
5 00001 and ending with 000333.  
6 And what I'd like to do, first off, is ask  
7 you if these are copies of documents that you had  
8 when you were working at Weyerhaeuser.  
9 **A As near as I can recollect, this -- the top one**  
10 **is, yeah.**  
11 **Q** Okay. How about the others underneath?  
12 **A Do you want me to go through all of them?**  
13 **Q** Sure. If you want to go through each one. I  
14 mean, you had a -- this is the set that you had  
15 that I left with you yesterday. But if you want  
16 to go through each one individually, go right  
17 ahead, sure.  
18 **A This first one looks like mine.**  
19 **Q** Okay.  
20 **A I shouldn't speculate if that's mine. It appears**  
21 **to be mine, yes.**  
22 **There's my initials on that one, so it's**  
23 **gotta be mine. That's mine. Yeah. This -- that**  
24 **was a copy that I got, too. Okay.**  
25 **Am I supposed to mention the numbers down**

1 BY MR. McCOY:  
2 **Q** She -- they're entitled, as I mentioned to you, to  
3 make the objections. Sometimes you just gotta  
4 wait for their objection; then you can answer the  
5 question.  
6 **A Oh.**  
7 **Q** So that's kind of the procedure the lawyers go by,  
8 so you might have to pause before my question  
9 to -- when you answer.  
10 Okay. And what I wanted to ask you next was  
11 the years that you worked in the safety area at  
12 Weyerhaeuser, could you tell us approximately what  
13 years you were in that area?  
14 **A About 1970 to '77.**  
15 **Q** Okay. And what jobs did you have before working  
16 in safety with Weyerhaeuser?  
17 **A I started out as the timekeeper for the plant, and**  
18 **I went over into the order department or sales**  
19 **department for a short amount of time, and then I**  
20 **transferred out into the mill into the industrial**  
21 **engineering department. I was in there for --**  
22 **well, pretty much until 1970.**  
23 **Q** Okay.  
24 **A You know, and then, after that I was -- after I**  
25 **was out of safety, I was in the -- it was a**

3 (Pages 9 to 12)

## Deposition of Jerry Saindon, 3/12/2014

Page 13

customer service-type thing. I took care of all the order changes that came into the mill from all the customers and took care of that part of it. And then I retired in 1993.

Q Do you know -- do you have any better recollection as to when you started in safety in 1970, like the month or when you left safety?

A It would have been in the spring, I think, about April --

Q Okay.

A -- of '70, I think it was.

Q And when -- do you have a better recollection of the month when you left safety in '77?

A July '77.

Q Now, how -- when you were in safety, what would be your best recollection of what your title was or what people called you?

A Safety coordinator.

Q And how was it that you got the position of safety coordinator?

A Well, the general manager, who was Dick Welch at the time, wanted me to take over that job. And I agreed to do it, and I got into it at that point in time.

Q Before you were safety coordinator, was there

Page 15

occasions and do visual inspections on his own.

Q And what was your understanding of his role in the Marshfield operations?

A Well, he was concerned with the health. He was the indust- -- excuse me, industrial hygienist, so he was pretty much concerned about the health problems or issues.

Q All right. Do you know -- how many different times do you remember Mr. Wendlick coming to Marshfield?

You may not know the exact count, but would it be, like, more than five times or what?

A It was several times, yes. About -- at least a couple times a year, I'm thinking.

Q A couple times a year while you had the position in safety?

A I would say at least two times a year. Maybe more.

Q And what was he doing when he came to Marshfield?

A Well, he'd meet -- he'd meet with people out on the floor, he'd meet with the management people, and he'd do his own visual inspections throughout the plant.

He just kind of roamed around the plant and did what he wanted to do.

Page 14

someone else in that position?

A Well, the personnel department was the -- did the safety activities at that time.

Q When you -- when you got the job as safety coordinator, was that, like, a new position that was created?

A Yes.

Q Before you had -- before you started in safety as coordinator, did you have any special training or education about safety beyond what generally was given to people in the plant?

A No.

Q After you became safety coordinator, did you get additional training and education on safety issues?

A Other than to go to seminars and corporate meetings and, you know, of that sort.

Q Okay. As safety coordinator, did you have a budget?

A No.

Q You know Joe Wendlick; right?

A Yes, I do.

Q And how is it that you first started knowing Joe Wendlick?

A Well, he would come to Marshfield on various

Page 16

Q Was he reporting to anybody at Marshfield or just working with people at Marshfield?

A He was just working with people, I think.

Q Who was it that Mr. Wendlick would usually deal directly with in terms of any recommendations or plans or programs?

MS. ELLIS: Object to form.

THE WITNESS: The general manager.

BY MR. McCOY:

Q I'm sorry. Your answer was?

A General manager, probably.

Q And who was the general manager during -- during the time that you were safety coordinator?

A Dick Welch.

Q Throughout the whole period?

A Yes.

Q Before Dick Welch had the position as general manager, who had it?

A Boy. I don't -- I don't remember who the manager was.

Q Okay. That's fine.

Okay. Now, I want to ask you as far as what -- what, if any, role did Mr. Wendlick have in developing the plans or programs or procedures concerning asbestos at Marshfield?

## Deposition of Jerry Saindon, 3/12/2014

Page 17

1 MS. ELLIS: Object to form. Foundation.  
 2 BY MR. McCOY:  
 3 Q Go ahead. You can answer.  
 4 **A Well, he was pretty much the main man that set up**  
 5 **all the program as far as the asbestos control**  
 6 **problems.**  
 7 Q How about as far as invest- -- investigating or  
 8 testing the -- for any levels of asbestos in the  
 9 air? What role did Mr. Wendlick have in that?  
 10 MS. ELLIS: Object to form.  
 11 THE WITNESS: He was -- he was the one  
 12 that directed on what was to be monitored, and a  
 13 fellow by the name of Norm Pacourek was the one  
 14 that did the testing or the monitoring.  
 15 BY MR. McCOY:  
 16 Q Did you personally ever do any testing?  
 17 **A Yes.**  
 18 Q Okay. Most of it was Mr. Pacourek; is that right?  
 19 **A Um-hum.**  
 20 MS. ELLIS: Object to form.  
 21 BY MR. McCOY:  
 22 Q You gotta answer "yes" or "no."  
 23 **A Yes.**  
 24 Q Okay. As far as your role as safety coordinator  
 25 is concerned, how did you interface with or

Page 19

1 community exposures within the scope of your own  
 2 duties?  
 3 MS. ELLIS: Object to form --  
 4 THE WITNESS: No.  
 5 MS. ELLIS: -- and foundation.  
 6 BY MR. McCOY:  
 7 Q I'm sorry. Your answer was?  
 8 **A No.**  
 9 Q Okay. What was your understanding of the person  
 10 or persons that would be responsible for any  
 11 community exposure issues at Marshfield?  
 12 MS. ELLIS: Object to form and  
 13 foundation.  
 14 THE WITNESS: I have no idea.  
 15 BY MR. McCOY:  
 16 Q I just wanted to identify a few of these people  
 17 whose names appear in the documents that are  
 18 marked as Exhibit 4, to the best of your  
 19 recollection, on these people.  
 20 Just for clarification, I guess the first one  
 21 is -- is Saindon 24. And I just wanted to know,  
 22 is that your signature down there?  
 23 **A Yes.**  
 24 Q Okay. Is that your writing?  
 25 **A Yes, it is.**

Page 18

1 utilize the programs that Mr. Wendlick had  
 2 developed on asbestos?  
 3 MS. ELLIS: Object to form.  
 4 THE WITNESS: I guess I would -- I would  
 5 help to implement anything that he wanted done and  
 6 maybe follow up and make sure that things were  
 7 done, you know.  
 8 BY MR. McCOY:  
 9 Q Okay. And so you weren't the person developing  
 10 the programs yourself?  
 11 **A Not necessarily, no.**  
 12 Q You were just an implementer?  
 13 MS. ELLIS: Object to form.  
 14 THE WITNESS: Yes.  
 15 BY MR. McCOY:  
 16 Q Okay. What, if any, program do you remember being  
 17 developed by Mr. Wendlick for controlling  
 18 exposures of asbestos fibers being emitted into  
 19 the community?  
 20 MS. ELLIS: Object to form and  
 21 foundation.  
 22 THE WITNESS: I have no idea. I don't  
 23 remember.  
 24 BY MR. McCOY:  
 25 Q Was -- was the -- any questions about the

Page 20

1 Q And you're sending this to Wes. Who would that  
 2 be?  
 3 **A Wes Sydow.**  
 4 Q Okay. And who was Wes at this time?  
 5 **A He was a supervisor. I believe he was a**  
 6 **fabrication supervisor, I think they called him.**  
 7 Q For Weyerhaeuser in Marshfield?  
 8 **A Yes.**  
 9 Q And next is Saindon 31, and I wanted you to  
 10 identify these people, if you could.  
 11 First off, K.A. Schommer?  
 12 **A Schommer. Ken Schommer.**  
 13 Q Yes.  
 14 **A He was -- what the hell? I'm not sure. What is**  
 15 **that? He was right underneath the general**  
 16 **manager. I don't remember what his title was.**  
 17 Q Okay. Reported directly to the general manager?  
 18 **A I think he reported --**  
 19 MS. ELLIS: Object to form.  
 20 THE WITNESS: -- to Dick Welch.  
 21 BY MR. McCOY:  
 22 Q Okay. And next is?  
 23 **A Lois.**  
 24 Q Lois Brundidge?  
 25 **A Lois Brundidge. She was the nurse.**

5 (Pages 17 to 20)



Deposition of Jerry Saindon, 3/12/2014

Page 21

Page 23

Q Jim Gallatin?

A **At this time, he was a supervisor in particleboard. And I'm not sure if he was in mineral core then or -- or not, but he was a supervisor in that area over there in the particleboard area, I believe.**

Q Okay. And then --

A **Ken Powers was a personnel man.**

Q All right. Dale?

A **Dale Schultz was a maintenance man. He was a maintenance and a manager.**

Q And then next is Wes Sydow, who you --

A **Wes Sydow, yes.**

Q Right. That's what you just talked about?

A **Um-hum.**

Q You gotta say "yes."

A **Yes.**

Q Okay. All right. Next is Saindon 32, and there's a few more names on here that we haven't talked about.

Doug Ehlke?

MS. ELLIS: This is -- I'm objecting to the use of this document, Bob. This is a privileged communication between internal Weyerhaeuser people and their attorney.

too.

Q Okay. Al Clark?

A **Al Clark, he was a product and planning manager, his title was. And then Ken Schommer again.**

Q You already talked about Ken Schommer.

A **Um-hum. Yes.**

Q Okay. The next one is Saindon 35. It's got a few other --

MS. ELLIS: Bob, same objection. This document is privileged.

MR. McCOY: I'm not asking about the substance again. Just to identify the people.

THE WITNESS: I don't know. I don't know. There's LeRoux again and Welch. Those are the only two that I would know.

BY MR. McCOY:

Q Okay. So you don't know Frost?

A **No.**

Q And you don't know -- is it --

A **Haydu or Hay- -- I don't know who that is.**

Q Okay. And you don't know W.P. Reynolds?

A **No.**

Q R.S. Welch, that's Dick Welch; right?

A **Yes.**

Q Saindon 52 has a couple more new names.

Page 22

Page 24

MR. McCOY: I'm not going to question him, you know, subject to the determination of whether this is privileged or not.

THE WITNESS: I don't know.

MR. McCOY: But I'm not going to question him on the document.

MS. ELLIS: Okay.

MR. McCOY: I'm just going to ask him who --

THE WITNESS: I don't recall.

MR. McCOY: -- the people are.

THE WITNESS: I don't recall who he is. I don't recall who Willard Gee is either.

Jim LeRoux, he was originally at Marshfield, so I knew who he was. He was stationed out in Tacoma. I'm not sure what his title was.

BY MR. McCOY:

Q What job did he have out at Marshfield when he was here?

A **He had several.**

Q What jobs?

A **He was -- he was a foreman, and he was -- he worked all the way -- all the way up to -- he might have been the general manager at one time,**

Harold Semandel?

A **Semandel.**

Q Yes.

A **He was a foreman in the glue room on second shift, I believe it was.**

**And Gauger, he was a foreman in the core mill.**

Q Okay.

A **He might have been second shift foreman at that time.**

Q When you talk about second shift, what hours did that operate?

A **3:00 to 11:00 or somewhere in those hours.**

**Art Boushon, he was a sub-foreman in the core mill. And Jim Ekes was a foreman in the core mill. And Al Werther, I think he was a -- like an assistant foreman down there.**

Q Okay. And then it has Wes Sydow, fabrication supervisor?

A **Yes.**

Q Okay. What was done in the fabrication area, basically?

MS. ELLIS: Object to form.

THE WITNESS: It was the core mill where they put the doors together and the glue room

6 (Pages 21 to 24)

## Deposition of Jerry Saindon, 3/12/2014

Page 25

1 where they glued them together. Saw, sand, any of  
 2 the operations where they're actually assembling  
 3 the doors.  
 4 BY MR. McCOY:  
 5 Q Did you have any role in purchasing to know where  
 6 the cores came from?  
 7 MS. ELLIS: Object to form.  
 8 THE WITNESS: No.  
 9 BY MR. McCOY:  
 10 Q Okay. Saindon 78, a couple more new names on  
 11 there. Let's see.  
 12 Ehlke, I think you already said you didn't  
 13 know him?  
 14 MS. ELLIS: Same objection to this  
 15 document.  
 16 BY MR. McCOY:  
 17 Q Okay.  
 18 A **Dr. Robert Heywood, he was -- he would come out**  
 19 **and visit with the nurse and go over there. So**  
 20 **that was the medical problems.**  
 21 Q Okay. A couple new names on Saindon 79, which,  
 22 again, I'll only ask about the identity of the  
 23 people.  
 24 MS. ELLIS: Same objection to the  
 25 document.

Page 26

1 MR. McCOY: Right.  
 2 BY MR. McCOY:  
 3 Q Let's see. We've got Cliff?  
 4 A **Cliff Schweke, he was a personnel man.**  
 5 **And Ken Powers was personnel, but we already**  
 6 **talked about him.**  
 7 Q Right. Ron Koepke?  
 8 A **Ron Koepke, he was a supervisor.**  
 9 Q For what?  
 10 A **At that time, I'm not sure. He might have been**  
 11 **supervisor in the mineral core. I'm not -- I'm**  
 12 **not sure on that.**  
 13 Q All right. Saindon 86, a couple other names on  
 14 there.  
 15 We already covered Mr. Gallatin.  
 16 A **John Binder?**  
 17 Q Right.  
 18 A **He was an expeditor.**  
 19 **And Dick Luther was a -- I think he was a**  
 20 **supervisor on the second shift, second or third**  
 21 **shift, too.**  
 22 Q Do you know what area he was in?  
 23 A **I don't recall.**  
 24 Q What does an expeditor do?  
 25 A **They expedite doors through the mill.**

Page 27

1 Q Okay. Exhibit-- from Exhibit 4, which is document  
 2 Saindon 87, this one makes reference to --  
 3 MS. ELLIS: Hey, Bob, I'm objecting to  
 4 the use of this document as a privileged  
 5 communication, and I'd instruct the witness not to  
 6 answer any questions about it.  
 7 MR. McCOY: And what's the basis for the  
 8 privilege?  
 9 MS. ELLIS: Because this is an internal  
 10 Weyerhaeuser communication between Weyerhaeuser  
 11 employees and Weyerhaeuser's attorney.  
 12 Additionally, it's marked  
 13 "Confidential."  
 14 MR. McCOY: Is there any other basis for  
 15 it being -- being privileged?  
 16 MS. ELLIS: Other than it's a  
 17 communication between a Weyerhaeuser attorney and  
 18 Weyerhaeuser employees, no.  
 19 MR. McCOY: Okay. All right.  
 20 MS. ELLIS: I guess I will add that it's  
 21 about -- it is discussing matters of a legal  
 22 context.  
 23 MR. McCOY: Yeah. Well, for the record,  
 24 I mean, it's sent to -- sent by Mr. Wendlick,  
 25 who's industrial hygiene, to the general manager.

Page 28

1 MS. ELLIS: That's right. And the --  
 2 Weyerhaeuser's in-house counsel was copied on the  
 3 correspondence, Douglas Ehlke.  
 4 MR. McCOY: Just copied. I mean, it  
 5 wasn't sent to him.  
 6 All right. Well, we don't have to ask  
 7 anything about that. We'll just hold that for the  
 8 Court's ruling if we need to later.  
 9 BY MR. McCOY:  
 10 Q Okay. Then let's see here. Okay. A couple other  
 11 names from Saindon -- begins with 93.  
 12 D.N. McClary, who's that?  
 13 A **He was a general manager here after Dick Welch.**  
 14 **He came in and -- after Dick left.**  
 15 Q Okay.  
 16 MS. ELLIS: And I'm objecting to  
 17 discussions about the content of this document as  
 18 well.  
 19 MR. McCOY: Yeah. I don't have any  
 20 questions about the content on this one.  
 21 BY MR. McCOY:  
 22 Q The other people at the back, there's a couple  
 23 more names. I'm just wondering if you know who  
 24 these are, Mr. Saindon. One is J.D. Henry.  
 25 A **He was over in the Schofield office, one of the --**

7 (Pages 25 to 28)

## Deposition of Jerry Saindon, 3/12/2014

Page 29

1 **Weyerhaeuser had an office over in Schofield at**  
 2 **one time, kind of a regional office. But I don't**  
 3 **recall what he -- what he did.**  
 4 Q How about L.B. Hoelscher?  
 5 A **I don't recall him either.**  
 6 Q R.T. Jenkins?  
 7 A **No.**  
 8 Q Don't recall him?  
 9 A **No.**  
 10 Q R.S. Jones?  
 11 A **No.**  
 12 Q G.C. Meyer?  
 13 A **He was -- he was, I believe, vice president over**  
 14 **in Schofield, I think is what he was, in charge --**  
 15 **he was in charge of that office over there, that**  
 16 **region.**  
 17 Q Okay. And G.G. Stinson, do you know who he was?  
 18 A **He was a personnel man.**  
 19 Q At Marshfield?  
 20 A **Yes.**  
 21 Q Okay. Okay. Saindon 1 -- hold on. Saindon 169,  
 22 I see more names on here. Let's see if we know  
 23 any of these.  
 24 Dave McGiveron?  
 25 A **He was maintenance supervisor.**

Page 30

1 Q Terry Wolf?  
 2 A **He was maintenance, too.**  
 3 Q Lloyd McDonald?  
 4 A **Foreman.**  
 5 Q Wally Mannigel?  
 6 A **He was a foreman. Foreman or -- yeah. I guess he**  
 7 **was a foreman at the time.**  
 8 Q What was McDonald foreman of?  
 9 A **He was in a couple of different areas. Once I**  
 10 **think he was in the glue room, and he was also in**  
 11 **the core mill. I don't recall what he was in '74.**  
 12 Q Okay. Which is the time of this document. All  
 13 right.  
 14 A **Yeah.**  
 15 Q Wally Mannigel, do you know what he was foreman  
 16 for?  
 17 A **He was kind of the general foreman on the night**  
 18 **shift at one time. At this -- then he came on**  
 19 **days, but I don't recall just when he made the**  
 20 **shift.**  
 21 Q Okay. So general foreman would be in charge of  
 22 all the different departments?  
 23 A **Yes.**  
 24 Q Bill Haeni?  
 25 A **Bill was down in detail, supervisor.**

Page 31

1 Q Okay. Saindon 255. All right. This one is one  
 2 that you prepared; right?  
 3 MS. ELLIS: Object to form.  
 4 THE WITNESS: Um-hum. Yes.  
 5 BY MR. McCOY:  
 6 Q Okay. And it makes reference in here to -- the  
 7 subject says, "Improvements made for handling  
 8 asbestos per OSHA request - Mr. Milan Racic."  
 9 Do you remember who Milan Racic was?  
 10 A **To the best of my recollection, he was an**  
 11 **industrial hygienist also.**  
 12 Q From where?  
 13 A **From OSHA. I don't know where he was stationed at**  
 14 **this -- at that time.**  
 15 Q Okay. You mean from the Occupational Safety --  
 16 A **Yes.**  
 17 Q -- and Health --  
 18 A **Um-hum. Yes.**  
 19 Q -- government?  
 20 A **Yes.**  
 21 Q Okay. And how -- what do you recall him being  
 22 involved with as far as Weyerhaeuser's operations?  
 23 A **I don't recall.**  
 24 Q Did you personally meet with him?  
 25 A **I don't remember if I did or not. I don't believe**

Page 32

1 **I did.**  
 2 Q Do you know who met with Mr. Racic?  
 3 A **No.**  
 4 Q One other question about this Saindon 255.  
 5 It says here No. 9, "Provide and enforce  
 6 wearing of 3M-8710 masks."  
 7 So what do you remember about the -- that  
 8 particular mask?  
 9 MR. WILLIAMS: Object to form.  
 10 THE WITNESS: The only ones I remember  
 11 are the white masks that -- with a strap around  
 12 the back.  
 13 BY MR. McCOY:  
 14 Q Okay. Did you personally get involved in  
 15 selecting the brand or type of masks?  
 16 A **No.**  
 17 Q Who did that?  
 18 A **I don't know.**  
 19 Q What was your -- your concerns as far as the masks  
 20 in your position as safety coordinator?  
 21 MR. WILLIAMS: Object to form.  
 22 Foundation.  
 23 BY MR. McCOY:  
 24 Q And by that, I'm saying were you concerned to make  
 25 sure everybody's wearing it or make sure it was

8 (Pages 29 to 32)



## Deposition of Jerry Saindon, 3/12/2014

Page 33

1 available; or what role did you have on the mask,  
 2 if any, as safety coordinator?  
 3 **A None, I would think.**  
 4 **Q** Okay. Who was handling the concerns about  
 5 availability of masks?  
 6 MS. ELLIS: Object to form.  
 7 MR. WILLIAMS: Foundation.  
 8 THE WITNESS: Who would --  
 9 BY MR. McCOY:  
 10 **Q** Yeah. Who would be -- who would be making sure  
 11 the masks were available?  
 12 MR. WILLIAMS: Same objection.  
 13 THE WITNESS: The supervisors.  
 14 BY MR. McCOY:  
 15 **Q** In the particular departments?  
 16 **A That was their responsibility. Yes.**  
 17 **Q** Okay. Okay. Saindon 260, one other name on here.  
 18 Is that Norm --  
 19 **A Norman.**  
 20 **Q** -- Pacourek?  
 21 **A Norman Pacourek, yes.**  
 22 **Q** Okay. That's the person we talked about earlier?  
 23 **A That's the one that did the monitoring, yes.**  
 24 **Q** Okay. Who determined what and where should be  
 25 monitored for the asbestos?

Page 34

1 MS. ELLIS: Object to form.  
 2 THE WITNESS: As far as I know,  
 3 Joe Wendlick.  
 4 BY MR. McCOY:  
 5 **Q** Okay. This is Saindon 302. 302. This has a  
 6 couple additional names on here I wanted to ask  
 7 about. One is R.D. Mahoney.  
 8 **A I don't know who that is.**  
 9 **Q** And another one is David P. --  
 10 **A I don't know who that would be either.**  
 11 **Q** I can't read the last name myself. Okay. Looks  
 12 like maybe D.P. Lewis.  
 13 **A I don't know the man.**  
 14 **Q** Okay.  
 15 **A I don't know who that would be.**  
 16 **Q** And T.R. Frost?  
 17 **A No.**  
 18 **Q** Okay. And this makes reference at the beginning  
 19 to the statement, it says, "Jerry Saindon from  
 20 Marshfield, Wisconsin, mineral core plant  
 21 collected 17 asbestos samples."  
 22 MS. ELLIS: Object to form.  
 23 BY MR. McCOY:  
 24 **Q** How many times did you actually yourself collect  
 25 asbestos samples, to your recollection?

Page 35

1 MS. ELLIS: Object to form.  
 2 THE WITNESS: Very few. Once or twice  
 3 maybe, that I can remember.  
 4 BY MR. McCOY:  
 5 **Q** At whose direction did you collect the samples?  
 6 **A Well, it was coordinated with Joe, I believe, out**  
 7 **in Longview, Washington.**  
 8 **Q** Joe --  
 9 **A Joe Wendlick. When we got done with it, then we**  
 10 **would ship them out there.**  
 11 **Q** Did the results typically come back to you?  
 12 **A No.**  
 13 **Q** Okay. And then finally, I've got Saindon 332 and  
 14 333. That's one document that's handwritten and  
 15 has a date of 1/20/77. Looks like it was -- it  
 16 was addressed to you --  
 17 **A Um-hum.**  
 18 **Q** -- about mineral core dust on lumber. And the  
 19 back of it's signed. It just says the name  
 20 "Mark."  
 21 Do you remember a person named Mark who sent  
 22 this?  
 23 **A I believe that was Mark Tracy.**  
 24 **Q** Okay. And where did he work at?  
 25 **A He was a supervisor. I don't recall if he was a**

Page 36

1 **supervisor over in particleboard or if he was --**  
 2 **I'm not sure.**  
 3 **Q** Okay.  
 4 **A I don't think he was ever around.**  
 5 **Q** I don't think I have too many more questions.  
 6 I'll let you know here in a moment.  
 7 I'm not sure if I asked you who these two  
 8 people's names were -- but this is Saindon 52 --  
 9 or what their -- what their role was, is what I --  
 10 is what I mean.  
 11 Art Boushon?  
 12 **A He was an assistant foreman down in the core mill.**  
 13 **Q** Jim Ekes?  
 14 **A He was a foreman in the core mill, too.**  
 15 **Q** Al Werther?  
 16 **A He was in the core mill, too, but I don't know**  
 17 **what his position would have been.**  
 18 **Q** And Jerry Gauger or --  
 19 **A Those two were both foremen, I believe, on the**  
 20 **second shift.**  
 21 **Q** In what area?  
 22 **A Semandel was in the glue room, I believe, and**  
 23 **Gauger was in the core mill.**  
 24 **Q** Okay. And on -- finally, on Saindon 79 -- just,  
 25 again, I don't have questions on the substance

Deposition of Jerry Saindon, 3/12/2014

Page 37

1 because I'm sure there's -- subject to the  
 2 objection on privilege.  
 3 MS. ELLIS: That's right.  
 4 BY MR. McCOY:  
 5 Q The person I want to ask about, his name is  
 6 Cliff Schweke.  
 7 A **Personnel.**  
 8 Q Okay. Oh, let me ask this question: What was the  
 9 last -- do you remember the last year in which you  
 10 saw Joe Wendlick at Marshfield? The year?  
 11 A **1986.**  
 12 MR. McCOY: Okay. That's all the  
 13 questions I have for you. Thanks, Mr. Saindon.  
 14 MR. CASMERE: Let's take a break.  
 15 (A recess is taken from 10:32 a.m. to 10:58 a.m.)  
 16 E X A M I N A T I O N  
 17 BY MS. ELLIS:  
 18 Q This is Tanya Ellis. I represent Weyerhaeuser  
 19 Company.  
 20 How are you, Mr. Saindon?  
 21 A **Fine. How are you?**  
 22 Q Very good. Thank you. And we met on Monday  
 23 afternoon --  
 24 A **Yes.**  
 25 Q -- for the first time; is that right?

Page 38

1 A **Yes.**  
 2 Q Okay. And we had had a phone call conversation  
 3 last week, I believe; is that right?  
 4 A **Yes.**  
 5 MS. ELLIS: Okay. Before we get  
 6 started, I have one objection I just want to note  
 7 on the record, and that is that the same objection  
 8 for use of any privileged documents in Exhibit 4  
 9 that I made with plaintiffs' counsel, the same  
 10 goes to codefense counsel. And I would ask that  
 11 they would refrain from using or referring to any  
 12 privileged documents as well until -- if and until  
 13 we get a ruling from the Court on those documents.  
 14 MR. WILLIAMS: If I may, this is  
 15 Jim Williams for 3M company.  
 16 In the interest of going forward with  
 17 the deposition, I'll ask questions that I can ask  
 18 without looking at those documents and reserve the  
 19 right to later ask about those documents at such  
 20 time as the Court allows.  
 21 MS. GIERKE: Same reservation for  
 22 Nora Gierke, counsel for General Electric Company.  
 23 BY MS. ELLIS:  
 24 Q So, Mr. Saindon, just talking about while we're  
 25 here today, are you here under a subpoena today?

Page 39

1 A **No.**  
 2 Q Okay. So you appeared here voluntarily?  
 3 A **Yes.**  
 4 Q And you were asked to come by the Cascino Vaughan  
 5 firm; is that right?  
 6 A **Yes.**  
 7 Q Okay. And when were you first contacted about  
 8 this case by the Cascino Vaughan firm?  
 9 MR. McCOY: Let me just clarify this.  
 10 You're talking about -- by "this case,"  
 11 there's, I think, multiple cases involved here.  
 12 And you're referring to the ones in this  
 13 notice of deposition --  
 14 MS. ELLIS: Yep. I'll --  
 15 MR. McCOY: -- today, or are you  
 16 referring to, like, back when he first was  
 17 involved with the Rogers case and so on? That's  
 18 my -- my only question.  
 19 MS. ELLIS: How about you hand me the  
 20 deposition notice and we'll go from there.  
 21 MR. McCOY: Okay.  
 22 BY MS. ELLIS:  
 23 Q Mr. Saindon, I'll have you look at Exhibit 1 and  
 24 ask if you've seen this document before.  
 25 I'll represent to you it's the notice of

Page 40

1 today's deposition.  
 2 A **This, I have never seen this before. No.**  
 3 Q Okay. Was there a time when you were contacted by  
 4 the Cascino Vaughan firm in the last six months?  
 5 A **Yes.**  
 6 Q Okay. And when was that?  
 7 A **I think it was in December sometime. I don't know**  
 8 **the exact date. I think I got a phone call from**  
 9 **Bob here first -- what the date was, I don't**  
 10 **remember -- and then I got a call from**  
 11 **Mike Cascino, Mike, and he stopped by the house.**  
 12 **That was, like, in December sometime.**  
 13 Q Okay. So Mike Cascino came to your home --  
 14 A **Yes.**  
 15 Q -- back in December --  
 16 A **Yes.**  
 17 Q -- you think?  
 18 A **Yes.**  
 19 Q Okay. And did he talk to you about some ongoing  
 20 litigation involving the Weyerhaeuser plant?  
 21 A **Yes.**  
 22 Q And what did he tell you about that litigation?  
 23 A **Oh, gee. I don't really remember what the**  
 24 **conversation all involved. That I -- you know,**  
 25 **that he wanted me to do a deposition.**

10 (Pages 37 to 40)

Deposition of Jerry Saindon, 3/12/2014

Page 41

1 Q And did he tell you at that time that Weyerhaeuser  
2 was not a defendant in the lawsuits?  
3 **A That they were not a -- yes, he did.**  
4 Q He told you that Weyerhaeuser was not a defendant;  
5 is that right?  
6 **A Yes.**  
7 Q Okay. And have you since come to understand that  
8 Weyerhaeuser is, in fact, a defendant in the  
9 lawsuits?  
10 **A Yes.**  
11 Q Okay. Have you been offered any compensation for  
12 your time here today or any time related to this  
13 litigation?  
14 **A He mentioned that they could pay, like, \$25 an**  
15 **hour or something like that, when he was at the**  
16 **house.**  
17 Q And he offered \$25 an hour for your time in  
18 connection with -- with this case, or what were  
19 the specifics?  
20 **A That's what was my understanding, yeah.**  
21 Q Okay. Did he tell you to keep track of your  
22 time --  
23 **A No.**  
24 Q -- and how much time you put in? No?  
25 **A No.**

Page 42

1 Q Okay. Have you or do you intend to send him your  
2 bill for your time --  
3 **A No.**  
4 Q -- for these cases? No? Okay.  
5 So we've had a lot of discussion about the  
6 documents here that we've been looking at today.  
7 And I understand that you maintained a file from  
8 your employment with Weyerhaeuser that you took  
9 with you when you left the company; is that right?  
10 **A Yes.**  
11 Q Okay. Did you ask anybody at the company if you  
12 could take that file with you?  
13 **A No.**  
14 Q Okay. And did you know the file contained  
15 privileged and confidential information?  
16 MR. McCOY: Objection to the form and  
17 foundation for that question.  
18 Go ahead. You can answer.  
19 THE WITNESS: Not really.  
20 BY MS. ELLIS:  
21 Q Okay.  
22 **A When I left, it was a -- I just took the whole**  
23 **file that I had and threw it in a box and I took**  
24 **it home and it laid up in the attic for, I don't**  
25 **know, ten years until 2003, I guess it was.**

Page 43

1 Q And at that time, when you found the file in your  
2 attic in what you remember to be 2003, what did  
3 you do with the file when you found it?  
4 **A Well, this was after my daughter's husband died.**  
5 **And I gave that to her, and then she forwarded it**  
6 **to them.**  
7 Q Okay.  
8 MR. CASMERE: I'm sorry. "Them" who?  
9 THE WITNESS: Cascino.  
10 MR. CASMERE: Thank you.  
11 BY MS. ELLIS:  
12 Q So your daughter took your file and sent it to the  
13 Cascino Vaughan law firm?  
14 **A Yes.**  
15 Q Okay. And did you ever get the file back after  
16 that transaction occurred?  
17 **A I believe I did.**  
18 Q Okay. Do you still have the file?  
19 **A I think I do somewhere, yeah.**  
20 Q Okay. And just generally, the file that you kept  
21 that you took with you from Weyerhaeuser, would  
22 that be -- would that have contained documents  
23 from your work as a safety coordinator at  
24 Weyerhaeuser?  
25 **A Yes.**

Page 44

1 Q Okay. Would it have contained documents from any  
2 of your other work outside of safety coordinator  
3 at Weyerhaeuser?  
4 **A Well, it was a combination. It could have been**  
5 **from trade magazines. You know, anything that**  
6 **related just to safety or asbestos, I just threw**  
7 **it in that file.**  
8 Q Okay. Would it have contained documents dated  
9 after 1993?  
10 **A No, I don't believe so.**  
11 Q Would it have contained documents relating to  
12 research and development and research and  
13 development of fire doors at Weyerhaeuser?  
14 **A I don't believe so, no.**  
15 Q And you never had any involvement with research  
16 and development at Weyerhaeuser, did you?  
17 **A No.**  
18 Q And it wouldn't have contained documents related  
19 to UL rating or obtaining of UL certification for  
20 any products made by Weyerhaeuser, would it?  
21 **A Not to my knowledge.**  
22 Q Now, I guess you came to understand that the  
23 Cascino Vaughan firm made a copy of your file; is  
24 that right?  
25 **A Yes.**

11 (Pages 41 to 44)

## Deposition of Jerry Saindon, 3/12/2014

Page 45

1 Q And did you ever see the copy that they made of  
2 your file?  
3 A **I believe I did, yes.**  
4 Q Okay. And did you understand that they copied  
5 every single thing in your file?  
6 A **I wasn't aware of what they copied or if they**  
7 **copied it all or not. I didn't -- I -- I wasn't**  
8 **sure.**  
9 Q Okay. So you don't know if they copied the whole  
10 file or just took parts of it --  
11 A **No.**  
12 Q -- is that right?  
13 A **No, I don't.**  
14 Q How big is the file that you took with you from  
15 Weyerhaeuser?  
16 A **Similar to this, I would say.**  
17 Q Okay. Now, this set of documents that's sitting  
18 here in front of us -- it's been marked as  
19 Exhibit 4 -- you didn't bring that set of  
20 documents with you today, did you?  
21 A **These?**  
22 Q Correct.  
23 A **The only thing we brought is what he left with us**  
24 **yesterday.**  
25 Q Okay. Well, let me back up, then, I guess.

Page 46

1 MR. McCOY: For the record, I left him  
2 an exact copy of what we have as Exhibit 4  
3 yesterday.  
4 BY MS. ELLIS:  
5 Q Okay. So I guess you met with Mr. McCoy  
6 yesterday?  
7 A **Yes.**  
8 Q And he brought with him a set of documents, and he  
9 left those with you; is that right?  
10 A **Yes. Yes.**  
11 Q Did you look through those last night?  
12 A **No.**  
13 Q Okay. And so the set he brought to you is what  
14 you brought back today; is that right?  
15 A **That's right. Yes.**  
16 Q So you did not bring your file with you today; is  
17 that right?  
18 A **Right. Yes.**  
19 Q Have you given your file to anyone else since that  
20 time in 2003 when you gave it to your daughter?  
21 A **No.**  
22 Q And did you verify that the documents that are  
23 here today as Exhibit 4 are, in fact, copies of  
24 the documents that are in your file?  
25 A **They appear to be.**

Page 47

1 Q They appear to be?  
2 And you looked at them all, I understand, and  
3 I guess you're saying generally, the way the  
4 documents look, they appear to be the type of  
5 documents you keep in your file; right?  
6 A **Yes.**  
7 MR. McCOY: Objection. That misstates  
8 his testimony.  
9 BY MS. ELLIS:  
10 Q Is there any way you can be sure that every page  
11 of these documents came from your file?  
12 MR. McCOY: Objection.  
13 THE WITNESS: Reasonably sure.  
14 BY MS. ELLIS:  
15 Q Okay. What about documents that might be in this  
16 stack that don't have your name on them? How  
17 would you have come to get those documents?  
18 A **They could have been sent to me by other**  
19 **coordinators throughout the company or -- you**  
20 **know, hard to tell. I mean, they come from all**  
21 **over. That's been so long ago.**  
22 **Whenever I got something like that, I'd maybe**  
23 **read it. And if I didn't have to do anything**  
24 **more, it just went in the file, and that's the**  
25 **last I saw of it.**

Page 48

1 Q And when you gave these documents to the Cascino  
2 firm, did you intend to disclose privileged and  
3 confidential information?  
4 MR. McCOY: Objection to form and  
5 foundation.  
6 THE WITNESS: No.  
7 BY MS. ELLIS:  
8 Q Okay. And did anyone from the Cascino Vaughan  
9 firm or anywhere else ever advise you that  
10 possibly there were -- there were privileged and  
11 confidential documents --  
12 A **No.**  
13 Q -- in your file?  
14 A **No.**  
15 MR. McCOY: Same objection to form and  
16 foundation. There's been no ruling of such.  
17 BY MS. ELLIS:  
18 Q I'm going to show you one of the documents in this  
19 stack, Mr. Saindon.  
20 MS. ELLIS: And, Bob, if you don't mind,  
21 would you pull this out of your stack and show it  
22 to him so I can talk to him about it?  
23 MR. McCOY: Sure.  
24 MS. ELLIS: It's Saindon 75.  
25

12 (Pages 45 to 48)

## Deposition of Jerry Saindon, 3/12/2014

Page 49

1 BY MS. ELLIS:

2 Q Mr. Saindon, this document that's been represented  
3 as part of Exhibit 4 here, your name doesn't  
4 appear on this document, does it?

5 A No.

6 Q Okay. Do you recognize this document?

7 A No, I don't.

8 Q Okay. Can you state with any certainty that this  
9 document was in your file?

10 A No.

11 Q Okay. So for documents in this stack on which  
12 your name does not appear, can you tell us when  
13 you received those documents?

14 A Oh, excuse me. Only by the dates that are on  
15 them.

16 Q Okay. I guess what I'm saying, if your name isn't  
17 on them, though, I guess, can you tell us when you  
18 actually received them or who actually gave them  
19 to you?

20 I'll show you this one, for example. This is  
21 Saindon -- starts at Saindon 156, and it's a  
22 multipage document, through -- through Saindon  
23 167.

24 And after you've had a chance to kind of look  
25 at it, you can flip to the last page, and it has

Page 51

1 A No. Not exactly, no.

2 Q Okay. Okay. The two previous depositions that  
3 have been marked here today as Exhibits, I  
4 guess -- B and C? 2 and 3? 3 and 4?

5 The two days of deposition that you gave  
6 before, have you read those transcripts recently?

7 A No.

8 Q Okay. Do you know when the last time you read  
9 them was?

10 A I don't know if I ever did, to be honest about it.

11 Q Okay. All right. So you're not familiar with  
12 what all was discussed in those depositions?

13 A Just what I can remember off the top of my head.

14 Q Okay.

15 A Yeah.

16 Q But certainly not line for line; right?

17 A No.

18 Q Okay. I'm going to kind of rewind now, switch  
19 gears and go back through your employment history  
20 with the company and talk to you about when you  
21 started in 1953. And when you started, you would  
22 have been working for Roddis; is that correct?

23 A Yes.

24 Q And you recall that Weyerhaeuser purchased the  
25 plant in 1960; is that right?

Page 50

1 the date of the document. And it's dated  
2 April 10, 1968; is that correct?

3 A Yes.

4 Q So that would be before your time as a safety  
5 director; correct?

6 A Yes.

7 Q And at that time you would have been maybe the  
8 administrative assistant with Dick Welch; is that  
9 right?

10 A '68? That would be -- yes.

11 Q And would you have reason in 1968, as the  
12 administrative assistant to Dick Welch, to receive  
13 a document like this?

14 A I don't recall.

15 Q Okay. So can you testify that this was a document  
16 that was actually maintained in your file that you  
17 took with you from Weyerhaeuser?

18 A I couldn't testify to that, no.

19 Q Okay. Do you know who gave you this document?

20 A I don't.

21 Q And do you know when you got this document?

22 A It would have had to have been around '68 or, you  
23 know, around that time, I would imagine. I don't  
24 recall. I don't remember.

25 Q So you don't know when you got the document?

Page 52

1 A 1960, um-hum.

2 Q Okay. So I'm going to talk about this time period  
3 from 1953 to 1960. And during that time period,  
4 you didn't have any responsibilities for safety,  
5 did you?

6 A No.

7 Q Okay. And what were your job duties from 1953 to  
8 1960?

9 A Well, I was a timekeeper -- I guess that was what  
10 they called us, the timekeeper -- to start with.  
11 And then I did some work in the order department.  
12 I helped out there for a while.

13 And then I got into the industrial  
14 engineering department, and I stayed there for  
15 quite a few years, up until 1960, I guess.

16 Q So when Weyerhaeuser bought the plant in 1960, you  
17 were in industrial engineering; is that right?

18 A Yes.

19 Q Okay. And after Weyerhaeuser bought the plant in  
20 1960, how long did you stay in industrial  
21 engineering?

22 A Oh, I don't know just what the time frame was. I  
23 got -- I went from there to administrative  
24 assistant to Dick Welch. But I still had a lot of  
25 the same duties. I did a lot of costing work,

13 (Pages 49 to 52)



1 which I had learned from Dick, and -- costing out  
2 doors or whatever.

3 We made a thousand different kinds of  
4 products back then, plywoods. And we were kind of  
5 a specialty shop, really.

6 Q Okay.

7 A I did that and worked for Dick, you know, as an  
8 administrative assistant --

9 Q From --

10 A -- until --

11 Q I'm sorry. Go ahead. I didn't mean to interrupt  
12 you.

13 A -- until I got up to the safety job.

14 Q So from 1953 to 1960, when Roddis owned the plant,  
15 you didn't have any manufacturing  
16 responsibilities, did you?

17 A No.

18 Q I mean, you weren't actually making the products,  
19 were you?

20 A No.

21 Q Okay. So would it be safe to say you had an  
22 office job --

23 A Yes.

24 Q -- when Roddis owned the plant --

25 A Yes.

1 Q -- is that right?

2 A Yes.

3 Q And then in 1960, when Weyerhaeuser took over --  
4 and we'll talk about it from 1960 to 1970.

5 So after Weyerhaeuser bought the plant, but  
6 before you took over as safety director, you  
7 didn't have any responsibility for manufacturing  
8 during that time either, did you?

9 A No.

10 Q Okay. From '53 to '60, when Roddis owned the  
11 plant, what structures and buildings were on the  
12 plant property?

13 A We had the brick building, the main office. Then  
14 we had the hardwood -- well, I call it the  
15 "hardwood plant." That was the old plant that's  
16 gone now. And --

17 Q Would that be the structure with the basement and  
18 the three floors?

19 A Yes.

20 Q The fabrication plant?

21 A Yes.

22 Q Okay.

23 A Yeah. And this was -- when I started there?

24 Q Right.

25 A Well, that would be about it, as far as I can

1 remember.

2 Q Was there a sawmill there when Roddis --

3 A There was.

4 Q -- owned the plant?

5 A Yeah. There was a sawmill, too, right.

6 Q Okay.

7 A That was a separate -- separate building there,  
8 yeah.

9 Q What about the particleboard plant? Was it there  
10 when Roddis owned the facility?

11 A No.

12 Q All right. What about the molded products plant?

13 A No.

14 Q All right. Again, when Weyerhaeuser took over in  
15 1960, how did the layout of the facility change  
16 after Weyerhaeuser took over?

17 A They built the particleboard plant, I believe,  
18 first, and then they put up the molded products  
19 plant. And those two were added on until they  
20 went out of business.

21 Q When did the particleboard plant -- when was it  
22 put up?

23 A I just -- I'm not certain of the dates, to be  
24 honest about it, the way time flies by. It could  
25 have been in the late '60s, early '70s, maybe. I

1 don't know.

2 Q All right. What about molded products? Do you  
3 recall when that went up?

4 A I think that was shortly afterwards, after the  
5 particleboard plant.

6 Q Okay. And from 1953 to 1970, before you became  
7 safety director, you didn't have any  
8 responsibilities for safety in the plant, did you?

9 A No.

10 Q Okay. So your testimony that you gave earlier  
11 today and your knowledge about safety issues in  
12 the plant relates to that period of 1970 to 1977;  
13 is that right?

14 A Yes.

15 Q Okay.

16 MR. McCOY: Objection at this time.

17 These questions are beyond the scope of any direct  
18 examination, and I object to the leading nature of  
19 this.

20 Can I have a standing objection on  
21 that --

22 MS. ELLIS: Sure.

23 MR. McCOY: -- for questions beyond the  
24 scope of the direct?

25 Thanks.

## Deposition of Jerry Saindon, 3/12/2014

Page 57

Page 59

1 MS. ELLIS: This is a discovery  
2 deposition, Counsel.  
3 BY MS. ELLIS:  
4 Q Between 1953 and 1960, what products do you recall  
5 Roddis manufacturing?  
6 A **Between '53 and '60?**  
7 Q Right.  
8 A **They manufactured doors and they manufactured**  
9 **plywood, architectural plywood. What else did**  
10 **they make?**  
11 **They made wall paneling, too, but I'm not**  
12 **sure just what period that was in. They made wall**  
13 **paneling for many years out there, too. But it**  
14 **primarily was doors and plywood, I guess.**  
15 Q And so you said before, I think, that there was --  
16 that there was a sawmill on the property when  
17 Roddis owned the plant; right?  
18 A **Yes.**  
19 Q So is it true that logs came in to Roddis and  
20 Roddis took the logs and took them from the log  
21 all the way to the final -- final product?  
22 A **Yeah.**  
23 Q Is that right?  
24 A **Yeah. Yes.**  
25 Q So the plant dealt with a lot of wood?

1 **And that's about all they made out there at**  
2 **that time. Just "door skins," they called them.**  
3 Q So from -- when Roddis owned the plant from 1953  
4 to 1960, what type of doors did Roddis make?  
5 MR. McCOY: Objection to foundation.  
6 THE WITNESS: They made solid core  
7 doors, hollow core doors, mineral core doors,  
8 sound doors, lead-lined doors. Let's see. What  
9 else is there?  
10 Well, just about any kind of door that  
11 you can put in an opening they made, outside of  
12 metal doors.  
13 BY MS. ELLIS:  
14 Q Okay. And so would the same be true for  
15 Weyerhaeuser? Would those same types of doors  
16 have been made by Weyerhaeuser?  
17 A **Yes.**  
18 Q Okay. And can you distinguish in your mind what  
19 types of doors Weyerhaeuser made as opposed to  
20 what types of doors Roddis made?  
21 A **As far as I can recall, they made basically the**  
22 **same -- same kind of doors.**  
23 Q Okay. And what about fire doors? Did Roddis make  
24 fire doors?  
25 A **Yes.**

Page 58

Page 60

1 A **Yes.**  
2 Q Fair to say?  
3 A **Yes.**  
4 Q And then when Weyerhaeuser took over in 1960, what  
5 products did Weyerhaeuser make?  
6 A **They continued making about the same ones until**  
7 **they put up the particleboard and the molded**  
8 **products plant.**  
9 Q And what -- what products were made out of the  
10 particleboard plant?  
11 A **Just hardboard. I can't even remember what they**  
12 **used to call it. Just compressed chips, you know,**  
13 **and then just a particleboard.**  
14 Q Particleboard.  
15 A **Yeah.**  
16 Q Right.  
17 A **That's about what they made.**  
18 Q Right. All right. What about in molded products?  
19 What was made there?  
20 A **They started out making, oh, pressed plastic**  
21 **trays, kind of specialty things like that.**  
22 **And then they switched over and made door**  
23 **skins, and they sold those through other door**  
24 **manufacturers. So they just applied them, like,**  
25 **on hollow core doors.**

1 Q Okay. And I guess there came a point in time when  
2 the plant started making mineral core fire doors;  
3 is that right?  
4 A **Yes.**  
5 Q And do you recall what they were using to make the  
6 mineral core fire doors with?  
7 MR. McCOY: Objection to foundation.  
8 Go ahead.  
9 THE WITNESS: Mineral core? Well, they  
10 were using a mineral core. "Kaylo" core I guess  
11 they called it.  
12 BY MS. ELLIS:  
13 Q Okay.  
14 A **To my recollection.**  
15 Q Okay. **And do you know where that Kaylo came from?**  
16 A **I'm not sure.**  
17 Q Okay. And could you say for sure whether Roddis  
18 was using Kaylo before Weyerhaeuser took over?  
19 A **I don't remember.**  
20 Q Okay. So you don't know whether or not --  
21 A **I don't know --**  
22 Q -- Weyerhaeuser started using it?  
23 A **-- what the date was when they -- when they**  
24 **started that. That's -- you know, I just don't**  
25 **recall that. They made -- Roddis made a chip**

15 (Pages 57 to 60)

## Deposition of Jerry Saindon, 3/12/2014

Page 61

1 core, too, that was a fire-retardant door. But  
 2 they were really heavy and hard to handle, and  
 3 that's why I think they switched out of that into  
 4 the -- into the other -- the mineral core.  
 5 Q Okay. But when that actually happened, you don't  
 6 know?  
 7 A I don't recall the date.  
 8 Q Okay. Now, Mr. Saindon, you're married; is that  
 9 right?  
 10 A Yes.  
 11 Q Okay. And how long have you been married?  
 12 A 60- -- going to be 61 years in May.  
 13 Q Okay. And your wife is Mrs. Sally Saindon; right?  
 14 A Yes.  
 15 Q Okay. She's here with you today; right?  
 16 A Yes.  
 17 Q Okay. What year did you and Mrs. Saindon get  
 18 married?  
 19 A 1953.  
 20 Q 1953. All right. And I understand that  
 21 Mrs. Saindon's family lived right on 4th Street,  
 22 right next to the mill property; is that right?  
 23 A Yes.  
 24 Q Okay. And I also understand that you and  
 25 Mrs. Saindon actually lived there for a period of

Page 63

1 Q And what were Mrs. Saindon's parents' names that  
 2 lived there at 1103 East 4th Street?  
 3 A Helen and Charles Braem.  
 4 Q Can you spell Braem for me?  
 5 A B-R-A-E-M.  
 6 Q And Mrs. Braem continued to live there up until, I  
 7 believe, 1984; is that right?  
 8 A Yes.  
 9 Q Okay. And so fair to say you and Mrs. Saindon  
 10 would have continued to visit the house and visit  
 11 Mrs. Braem --  
 12 A Yes.  
 13 Q -- while she lived there?  
 14 A Yes.  
 15 Q Okay. And in those visits and when you lived  
 16 there, you never saw any dust or debris from the  
 17 plant come onto the property, did you?  
 18 A No.  
 19 Q And I think before you had testified about seeing  
 20 some dust in the windowsills --  
 21 A Yes.  
 22 Q -- at that house; is that right?  
 23 A Yes. Yes.  
 24 Q When you would -- when you would help clean or  
 25 remove the storm windows; is that right?

Page 62

1 time; is that right?  
 2 A Yes.  
 3 Q And when did you all live there?  
 4 A '53 to '50- --  
 5 THE WITNESS: When did we live there?  
 6 MS. SAINDON: I don't know.  
 7 BY MS. ELLIS:  
 8 Q Just whatever you remember.  
 9 A Right after we first got married, we -- they fixed  
 10 up a little apartment upstairs. And then her dad  
 11 had died in an unfortunate accident in '55, so we  
 12 moved back with her mother for a short time.  
 13 And then not too long --  
 14 THE WITNESS: It was about a year?  
 15 BY MS. ELLIS:  
 16 Q That's okay. That's good enough.  
 17 A Yeah.  
 18 Q So mid -- early, mid-'50s you guys --  
 19 A Yeah.  
 20 Q -- lived there with her parents --  
 21 A Yeah.  
 22 Q -- or her mom, as the case may be?  
 23 A Yes.  
 24 Q Do you recall what that address was on 4th Street?  
 25 A 1103 East 4th.

Page 64

1 A Yes. Um-hum. Yes.  
 2 Q You can't testify where that dust came from, can  
 3 you?  
 4 A No.  
 5 Q And you never knew of Mr. and Mrs. Braem making  
 6 any complaints about dust or debris from the  
 7 plant, do you?  
 8 A No.  
 9 Q And I also understood that the Braems sold some of  
 10 their land behind their house to Roddis; is that  
 11 right?  
 12 A Yes.  
 13 Q And they sold that land for Roddis to use as log  
 14 ponds; is that right?  
 15 A Yes.  
 16 Q And Roddis used log ponds on that property for a  
 17 number of years; is that right?  
 18 A Yes.  
 19 Q Okay. And there came a time when -- or, I guess,  
 20 those log ponds were eventually filled in; is that  
 21 right?  
 22 A Yes.  
 23 Q Okay. And do you know when that was?  
 24 A Not -- I can't tell you the exact dates, but it  
 25 was sometime after they no longer needed them and

16 (Pages 61 to 64)

Deposition of Jerry Saindon, 3/12/2014

Page 65

1 they weren't using the cutting department. They  
 2 shut that down, and so they had no use for them.  
 3 Q Okay.  
 4 A So they just decided to fill them in.  
 5 Q Okay. But you don't know when that was?  
 6 A I don't. I can't tell you the exact date.  
 7 Q Okay. And do you recall seeing anyone actually  
 8 filling in those log ponds?  
 9 A No.  
 10 Q Okay. So you never saw anybody actually putting  
 11 the stuff to fill the log ponds in; right?  
 12 A No.  
 13 Q Okay. And do you have any personal knowledge as  
 14 to how those log ponds were actually filled in?  
 15 A Just what I had heard.  
 16 Q Okay. And what did you hear about how the log  
 17 ponds were filled in?  
 18 A That they were filled in with whatever they wanted  
 19 to get rid of from the hardwood plant and --  
 20 Q So you heard that they had been filled in with  
 21 waste from the hardwood plant?  
 22 A Yeah. That was my understanding.  
 23 Q Okay. And do you know who told you that?  
 24 A I don't recall.  
 25 Q Okay. And I guess it'll go -- again, you never

Page 66

1 saw anybody actually filling in those ponds?  
 2 A Just what I was -- what I was told, because I was  
 3 usually done at night.  
 4 Q Okay. And you were working on first shift?  
 5 A Yes.  
 6 Q Okay. And did you move to your house on South  
 7 Vine Street where you live now after you and  
 8 Mrs. Saindon moved from 4th Street?  
 9 A Let's see.  
 10 MS. SAINDON: No.  
 11 THE WITNESS: No, we didn't. No.  
 12 BY MS. ELLIS:  
 13 Q Okay. Let me -- that was a bad question.  
 14 How long have you lived on South Vine?  
 15 A On South Vine, it'll be 50 years this summer.  
 16 Q Okay. So let's see if I can do math here.  
 17 You moved in --  
 18 A '64.  
 19 Q Thank you. All right. Where did you live before  
 20 '64?  
 21 A We lived down on 809 South Apple, and then we  
 22 lived over on 803 East 5th Street, which is just a  
 23 couple blocks up, until we moved into the  
 24 Vine Street.  
 25 Q So say between '55 and '64, you lived on

Page 67

1 South Apple and East 5th Street --  
 2 A Yes.  
 3 Q -- is that fair?  
 4 A Yes.  
 5 Q Okay. At either of those residences, did you  
 6 notice any dust or debris from the plant coming  
 7 onto your property?  
 8 A No.  
 9 Q Okay. Now, you've been at South Vine since 1964.  
 10 About how far is that from the plant?  
 11 A Four, five, six blocks maybe from where the plant  
 12 would be.  
 13 Q Have you ever noticed at South Vine any dust or  
 14 debris from the plant coming onto your property?  
 15 A No.  
 16 Q Throughout your career at the plant, even when  
 17 Roddis owned it and Weyerhaeuser owned it, you  
 18 never had any responsibility for waste removal  
 19 from the plant, did you?  
 20 A No.  
 21 Q It was never within your job --  
 22 A No.  
 23 Q -- description; right?  
 24 Okay. And you never actually participated in  
 25 waste removal from the plant, did you?

Page 68

1 A No.  
 2 Q I guess, do you understand at a certain point  
 3 there was a ventilation system installed in the  
 4 fabrication plant and the mineral core plant as  
 5 well to collect and dispose of dust?  
 6 A They had -- yeah. They had ventilation systems  
 7 all over the plant. Yeah.  
 8 Q And they had ventilation systems in the  
 9 particleboard plant, didn't they?  
 10 A I believe they did.  
 11 Q And in pretty much all areas of the plant they had  
 12 a ventilation system; right?  
 13 A Yes.  
 14 Q Because there was, frankly, a lot of wood dust  
 15 created in the plant; right?  
 16 A Yes.  
 17 Q From 1960 to 1970, do you know where the  
 18 ventilation system in the core mill vented to or  
 19 exhausted to?  
 20 A Where the ventilation system was?  
 21 Q Right. So there was a ventilation system in the  
 22 core mill; correct?  
 23 A Yes.  
 24 Q In the '60s --  
 25 A Yes.

17 (Pages 65 to 68)

## Deposition of Jerry Saindon, 3/12/2014

Page 69

1 Q -- right?  
 2 And where did the ventilation system exhaust  
 3 to? What was the end point on that ventilation  
 4 system?  
 5 **A The one that I can remember was on the -- it would**  
 6 **be on the west side of the old plant there.**  
 7 Q Okay. And would that be what you would consider  
 8 to be a baghouse?  
 9 **A I believe it was.**  
 10 Q Even throughout the '60s?  
 11 **A Well, it was where they collected dust. Whether**  
 12 **it was a baghouse there at that time, I don't**  
 13 **recall.**  
 14 Q Okay. So you don't know when the baghouse was  
 15 actually installed?  
 16 **A No.**  
 17 Q All right. And it could have been something else  
 18 before it was a baghouse --  
 19 **A Yes.**  
 20 Q -- correct?  
 21 Are you familiar with cyclones, the cyclone  
 22 system?  
 23 **A Yeah. I've heard the word, yeah.**  
 24 Q Okay. And you're aware that there -- there was a  
 25 cyclone system at certain parts of the plant as

Page 70

1 well?  
 2 **A Yes.**  
 3 Q Okay. And do you have an understanding of what  
 4 the cyclone system collected?  
 5 **A Not really.**  
 6 Q All right. Do you know the difference between  
 7 what was collected in the cyclone system as  
 8 opposed to the baghouse system?  
 9 **A No.**  
 10 Q And you never had any responsibility for the  
 11 baghouses; is that true?  
 12 **A That's true.**  
 13 Q Across your entire --  
 14 **A Yes.**  
 15 Q -- tenure at the plant?  
 16 Okay. And there's been testimony that at  
 17 certain points in time that these baghouses were  
 18 emptied into trucks, waste trucks, that would then  
 19 dispose of the waste.  
 20 Did you ever have any responsibility for  
 21 doing that, for emptying the baghouses into a  
 22 truck?  
 23 **A No.**  
 24 Q Okay. Did you see the trucks that were used for  
 25 that purpose?

Page 71

1 **A Yes.**  
 2 Q And those trucks had a cover on the back. Is that  
 3 consistent --  
 4 MR. McCOY: Object --  
 5 BY MS. ELLIS:  
 6 Q -- with what you remember?  
 7 MR. McCOY: Object to foundation. Form.  
 8 THE WITNESS: Yes.  
 9 BY MS. ELLIS:  
 10 Q Okay. And you don't know where those trucks went  
 11 with the waste when they left the plant, do you?  
 12 **A To my knowledge, they went to the landfill.**  
 13 Q Okay. And do you know where the landfill is or  
 14 was, where the trucks went?  
 15 **A Not really at that time, no, about where they**  
 16 **went, but I was -- I didn't know exactly where**  
 17 **they were located.**  
 18 Q Okay. Do you know who manufactured the baghouses?  
 19 **A No.**  
 20 Q Do you know who designed the ventilation system  
 21 that was in the -- at any point in the plant?  
 22 **A I don't know who would have done that.**  
 23 Q Okay. Do you know who specified the kind of  
 24 baghouse that was installed, the type or the brand  
 25 or anything about that?

Page 72

1 **A No.**  
 2 Q Okay. Now, while you were safety director at  
 3 Weyerhaeuser from 1970 to 1977 -- the questions  
 4 I'm about to ask you all relate to that period of  
 5 time.  
 6 **A Um-hum.**  
 7 Q Just so we're all on the -- on the same page.  
 8 -- I understand you had monthly inspections  
 9 where you walked through the entire mill; is that  
 10 right?  
 11 **A Yes.**  
 12 Q And your purpose would be to look for anything  
 13 that you thought needed correction or attention;  
 14 is that right?  
 15 **A Yes.**  
 16 Q And could you give us some examples of things you  
 17 might look for while you're out on those monthly  
 18 inspections?  
 19 **A Machine guarding possibly, electrical outlets,**  
 20 **housekeeping. Anything that would create a safety**  
 21 **hazard that, you know, should be corrected.**  
 22 Q Okay. And so safety at a plant this big, you had  
 23 anything from earplugs to hard hats to steel-toed  
 24 shoes; is that right?  
 25 **A Yes.**

18 (Pages 69 to 72)



## Deposition of Jerry Saindon, 3/12/2014

Page 73

Page 75

Q As well as the asbestos issues that we've talked about as well; is that right?

A Yes.

MR. McCOY: Objection to form and foundation. That misstates his earlier testimony.

BY MS. ELLIS:

Q So your role as safety director encompassed a lot of different issues as with respect to safety; is that right?

A Yes.

Q And when you came on board in 1970, you mentioned that you attended some conferences and corporate meetings; is that right?

A Yes.

Q And was the purpose of those to get you educated on safety issues as it related to the plant?

A Yes.

Q And when you had these corporate safety meetings, can you tell us a little bit about what happened at those meetings?

A Well, the one I attended in Tacoma, that lasted about a week. And it had the safety people from throughout all Weyerhaeuser's buildings out there -- or businesses.

And they had the senior vice president. He

I guess the same question as to Joe: Is it your impression that Joe cared about the safety of the workers at Marshfield?

A Yes, he did.

Q And I understand that Joe, he came in and tried to whip everybody into shape; is that fair?

A Yes. That sounds like Joe, yes.

Q And if you spotted a safety issue, did you do your best to get it resolved as soon as you could?

A Yes.

Q And is that generally true at the Marshfield plant for safety issues?

A Yes.

Q We talked about sampling. You talked about sampling with Mr. McCoy, about testing for asbestos in the -- in the plant. And you said that there were times when you actually conducted the testing on the workers; is that right?

A Yes.

Q And I think you said you didn't recall whether you actually received those results or not; is that right?

A Yes.

Q Well, I'm going to show you a document that it's been represented was in your file and see if it

Page 74

Page 76

talked about safety and what they expected. And they had the various speakers out there and just a kind of overall general safety theme, so --

Q And what message did you get from Weyerhaeuser about their interest and involvement in safety?

A They were quite concerned. It was one of their top priorities, I'm thinking, when I was involved there.

Q And would you say that Weyerhaeuser cared about the safety of its employees?

A Yes.

Q And would you say that the people at Marshfield, in management at Marshfield, that the Marshfield plant cared about the safety of the employees?

A Yes.

Q And in your role as the safety coordinator, was it your feeling that you did whatever you could to keep the workers safe?

A Yes.

Q Was there -- do you recall a time when you were safety director that you asked the company for a safety issue to be resolved and were turned down?

A No.

Q And Mr. McCoy asked you quite a few questions about Joe Wendlick.

might refresh your memory.

So this is Saindon ending in 302, and this was a document, Mr. Saindon, that's been represented as being a part of your file that you took with you from Weyerhaeuser.

Does it look familiar to you?

A Yes.

Q And what is that document?

A What is it?

Q Yes.

A Marshfield -- the title of it?

Q Well, what -- just take a look at it --

A Oh.

Q -- and tell me, you know, after you look at it, how you would describe what that document is.

MR. McCOY: Which one is that one?

MS. ELLIS: It's 302.

THE WITNESS: These were the results of the test that I had taken. That was in '77, so that had to be -- that had to be the one and -- the only ones that I took, probably, because that was in July that I left.

BY MS. ELLIS:

Q So those are the results of one of the rounds of air monitoring; is that true?

## Deposition of Jerry Saindon, 3/12/2014

Page 77

1 A These were the results of the tests that I took.  
 2 This was in February of '77.  
 3 Q Okay.  
 4 A 17 samples. And over here it says I took -- in  
 5 March I took 14 asbestos samples. So, yeah, that  
 6 would be twice that I did that.  
 7 Q Okay.  
 8 A Yeah.  
 9 Q So do you believe you received those results of  
 10 the sampling that you conducted?  
 11 A I wouldn't have gotten this.  
 12 Q You didn't?  
 13 Okay. So it was in your --  
 14 A It probably -- yeah. It probably was sent to  
 15 Dick Welch, I'm thinking, and he probably gave me  
 16 a copy of it.  
 17 Q Okay. So you did get a copy of it?  
 18 A So that would -- if I had it in the file, that's  
 19 how it would have come.  
 20 Q Okay.  
 21 A But he wouldn't have sent that direct to me.  
 22 Q Okay. And so do you think Dick Welch received the  
 23 results of this -- of the sampling that occurred  
 24 in the plant?  
 25 A Well, he or -- he or Doug McClary.

Page 78

1 Now, I'm not sure just what year Dick left  
 2 and then McClary came in because I didn't work for  
 3 McClary very long.  
 4 Q So was it the practice that the general manager at  
 5 Marshfield would receive the --  
 6 A I believe that's --  
 7 Q -- results from the sampling?  
 8 A I believe that's where it always went, and  
 9 Joe Wendlick dealt with the top gun.  
 10 Q Okay. I'm going to show you the document that  
 11 Mr. McCoy had asked you about before, and this is  
 12 Bates-labeled 332 and 333. Saindon 332 and 333.  
 13 Do you recall Mr. McCoy showing that to you?  
 14 A Um-hum. Yes. Um-hum.  
 15 Q Okay. And do you recall that being a document in  
 16 your file?  
 17 A Yes.  
 18 Q Okay. Do you recall that specific incidence as  
 19 you sit here today?  
 20 A Do I recall this specific --  
 21 Q Right.  
 22 A No, I don't. No.  
 23 Q Okay. Okay. Do you recall whether or not you  
 24 addressed the issue raised in that -- in that  
 25 particular document?

Page 79

1 A I don't know. I'm assuming I did, but --  
 2 Q Would it have been your practice to --  
 3 A Yeah.  
 4 Q -- have addressed it?  
 5 A Yes. Yes.  
 6 Q It would have been your practice, when an issue  
 7 was raised, that you would have taken care of it?  
 8 A Yes.  
 9 Q I'm going to show you this document -- it's  
 10 Bates-labeled Saindon 328 and Saindon 329 -- and  
 11 see if you recall this document.  
 12 MR. McCOY: What was that one?  
 13 MS. ELLIS: 328 and 329.  
 14 THE WITNESS: Yeah. Dave McGiveron was  
 15 the maintenance manager at that time, I believe,  
 16 and Galen Bergmann was his foreman over in -- I  
 17 believe he was a foreman in the mineral core  
 18 plant. Yeah.  
 19 BY MS. ELLIS:  
 20 Q And your name is not on either of those pages, is  
 21 it, Mr. Saindon?  
 22 A No.  
 23 Q Okay. Do you recall receiving that document in  
 24 your role as safety director at Weyerhaeuser?  
 25 A I don't recall --

Page 80

1 Q Okay.  
 2 A -- when I would have gotten it, no.  
 3 Q Okay. Do you know whether or not, in fact, you  
 4 actually received this document in your role as  
 5 safety director?  
 6 A It's something that I probably would have gotten  
 7 from Jim Gallatin or one of the guys over there,  
 8 yeah.  
 9 Q Okay. But you don't recall specifically receiving  
 10 it --  
 11 A No.  
 12 Q -- is that right?  
 13 Also, you talked briefly earlier with  
 14 Mr. McCoy about OSHA and the OSHA inspections that  
 15 occurred at the plant. And was it your  
 16 responsibility as safety director to lead the OSHA  
 17 representatives around the facility if they came  
 18 to visit and wanted to check the plant?  
 19 A Not the one he was talking about.  
 20 Q Okay.  
 21 A That was -- that was the Racic -- Racic guy. No,  
 22 I don't even recall him being there, to be honest  
 23 about it.  
 24 Q Putting that gentleman aside, were there times  
 25 when you did escort OSHA representatives around

Deposition of Jerry Saindon, 3/12/2014

Page 81

1 the plant?

2 **A Yes.**

3 **Q** Okay. And the OSHA representatives would have

4 been inspecting the plant for all sorts of safety

5 issues; is that right?

6 **A Yes.**

7 **Q** And that would include asbestos issues as well;

8 right?

9 MR. McCOY: Objection to form and

10 foundation.

11 THE WITNESS: I don't know if they got

12 into it or not, to be honest about it.

13 But they -- it was a -- just a general

14 overall inspection where they come in and they

15 look at practically everything, you know, every

16 little corner.

17 BY MS. ELLIS:

18 **Q** Okay.

19 **A Because it took, I don't know, at least two full**

20 **days maybe. Maybe a little longer.**

21 **Q** Okay. So is it fair to say you escorted the OSHA

22 representative throughout the entire plant

23 wherever they wanted to go?

24 **A Yes.**

25 **Q** Was there anything that Weyerhaeuser said was off

Page 82

1 limits or --

2 **A No.**

3 **Q** -- didn't want the OSHA representative to see?

4 **A No.**

5 **Q** Okay. So if Weyerhaeuser was using asbestos or,

6 you know, had -- using asbestos products and the

7 OSHA representative was there, then the OSHA

8 representative presumably saw that; is that right?

9 **A Yes.**

10 **Q** And is it your understanding that -- that

11 Weyerhaeuser stopped using asbestos in the

12 manufacture of mineral core in 1978?

13 **A It was around that time, I'm thinking, yeah. I**

14 **don't know the exact date.**

15 **Q** I'm kind of hopping around, but I want to back up

16 to around 1970, when you took over as safety

17 director and trying to get yourself up to speed

18 for being the safety director. And that included

19 reading the Federal Register, didn't it?

20 **A Um-hum. Yes.**

21 **Q** And reading the OSHA regulations; is that right?

22 **A Yes. Yes.**

23 **Q** And familiarizing yourself with those regulations;

24 right?

25 **A Yes.**

Page 83

1 **Q** I'm going to go through a list of names for you --

2 and maybe then I'll be just about done when I do

3 that -- and see if you can recall any of these

4 folks and whether or not you worked with them.

5 Do you know Mabel Karl?

6 **A I don't know her.**

7 **Q** Okay.

8 **A The name is familiar, but I don't -- I don't know**

9 **her.**

10 **Q** Okay. So you don't know anything about whether or

11 not she worked in the plant or what she did?

12 **A No.**

13 **Q** What about Sharon Heckel? Do you know

14 Mrs. Heckel?

15 **A I knew her, yes.**

16 **Q** Okay. And do you know what she did or whether or

17 not she worked in the plant?

18 **A I believe she did, yeah. She -- I don't know what**

19 **her job was.**

20 **Q** Okay. So you don't know where she worked in the

21 plant?

22 **A No.**

23 **Q** And you don't know when she worked there?

24 **A I don't really know.**

25 **Q** Okay. What about Roger Seehafer? Do you know

Page 84

1 Mr. Seehafer?

2 **A There, again, the name is familiar, but I -- I**

3 **don't know him personally.**

4 **Q** So you don't know whether or not he worked in the

5 plant or what he did?

6 **A I believe he worked in the plant, but I don't know**

7 **where.**

8 **Q** Okay. What about Mr. Valmore Prust? Do you know

9 Mr. Prust?

10 **A Val Prust?**

11 **Q** Right.

12 **A I knew who he was, but I don't know -- I don't**

13 **know where he worked.**

14 **Q** What about Mrs. Virginia Prust?

15 **A I don't know.**

16 **Q** Okay. What about Rita Treutel?

17 **A I knew Rita, yeah.**

18 **Q** And do you know whether or not she worked at the

19 plant?

20 **A She worked in the -- last I knew, she worked in**

21 **the detail in the office. She was the clerk in**

22 **the office down there.**

23 **Q** Okay. What about Leroy Treutel?

24 Mr. Leroy Treutel? Do you know Leroy?

25 **A He was a foreman in the cutting and drying**

21 (Pages 81 to 84)

## Deposition of Jerry Saindon, 3/12/2014

Page 85

1 **department.**

2 Q And cutting and drying, does that involve veneer?

3 A **Veneers.**

4 Q And there wouldn't have been any work on mineral  
5 core doors in the cutting and drying department,  
6 would there?

7 A **No.**

8 Q What about Diane Treutel? She's now Diane Jacobs.

9 A **No.**

10 Q What about John Treutel?

11 A **No.**

12 Q One last question, Mr. Saindon.

13 Are you aware whether or not Weyerhaeuser  
14 ever received any citations from OSHA related to  
15 asbestos?

16 A **Not to my knowledge.**

17 MS. ELLIS: I think that's all I have  
18 for now. I'm just going to glance at my notes. I  
19 think that's all I have right now.

20 MR. CASMERE: I'll ask a couple  
21 questions.

22 E X A M I N A T I O N

23 BY MR. CASMERE:

24 Q Mr. Saindon, my name is Ed Casmere. Nice to meet  
25 you, sir.

Page 87

1 MR. CASMERE: I'll stop there. Thank  
2 you, sir.

3 THE WITNESS: That was short. Thank  
4 you.

5 E X A M I N A T I O N

6 BY MR. WILLIAMS:

7 Q Hi, sir. My name is Jim Williams. I'll try to be  
8 short. I probably won't be that short.

9 A **Okay.**

10 Q I represent 3M company.

11 I want to go back to the list of individuals  
12 who you discussed with another attorney briefly a  
13 second ago. And these seem like kind of obvious  
14 questions, but I just need to ask them for the  
15 record.

16 You mentioned that the name Mabel Karl is  
17 familiar but you don't know her.

18 Is it accurate, then, that you don't know  
19 whether she ever wore a mask or a respirator at  
20 the facility?

21 A **That's true, yes.**

22 Q Is it okay if when I say the "facility," I'm  
23 talking about the Marshfield Weyerhaeuser plant?

24 A **Yes.**

25 Q Same -- same sort of question for Sharon Heckel.

Page 86

1 Owens-Corning Fiberglass Corporation  
2 manufactured the Kaylo door cores, to the best of  
3 your recollection; isn't that true?

4 A **Yes.**

5 Q In terms of -- strike that.

6 To the best of your recollection, the Kaylo  
7 mineral core doors began to be manufactured in and  
8 around 1960?

9 A **I don't know exactly when they started to make  
10 them.**

11 Q In terms of between your recollection and  
12 documents that might exist, would you rely on  
13 documents that might exist about when they started  
14 using Kaylo cores as opposed to your own memory?

15 MR. MCCOY: Objection to form and  
16 foundation.

17 Go ahead.

18 THE WITNESS: Probably.

19 BY MR. CASMERE:

20 Q You never had any responsibility for ordering  
21 Kaylo cores, did you?

22 A **No.**

23 Q You never saw the word "Kaylo" written on any  
24 material out at the plant, did you?

25 A **Not that I can recall.**

Page 88

1 I think you said you knew her but you didn't know  
2 her in the plant she worked.

3 A **Right.**

4 Q Would it also be accurate to say you don't know if  
5 she ever wore a mask or a respirator?

6 A **Correct.**

7 **(Interruption in proceedings.)**

8 BY MR. WILLIAMS:

9 Q Okay, sir. Same sort of question for  
10 Rita Treutel. You knew her and you believe she  
11 worked in the detail department in the office.

12 Is it also accurate to say you don't know one  
13 way or another whether she ever wore a mask or a  
14 respirator at the facility?

15 A **Yes.**

16 MR. WILLIAMS: Okay. I'd like to --  
17 just something for the record, sir. Not really  
18 for you.

19 But I just want to object to the use of  
20 any documents that were not previously disclosed  
21 in the course of discovery as required by any rule  
22 or scheduling order.

23 BY MR. WILLIAMS:

24 Q You were asked by Mr. McCoy earlier, sir, about a  
25 3M-8710, 8710 mask.

## Deposition of Jerry Saindon, 3/12/2014

Page 89

Page 91

1 Are you familiar with that designation, 8710,  
2 at all, or is that something you just heard today?  
3 **A That's -- that's something I heard today, I guess.**  
4 **Q** So you don't know if the 8710 mask was used at the  
5 facility at all, do you?  
6 **A No.**  
7 **Q** Okay. Now, I want to try to -- I've read one of  
8 your prior depositions and some other employees  
9 out at the Weyerhaeuser facilities' depositions,  
10 so I'm going to try to summarize this and see if  
11 this all comports to try to put it all into one  
12 package. You know, get all the testimony  
13 together.  
14 It's my understanding that masks were not  
15 used until 1970; is that correct?  
16 **A I don't know when they started using them.**  
17 **Q** Okay. And at the point when you were in health  
18 and safety, there were other -- there were various  
19 brands of masks used; is that correct?  
20 **A I believe so.**  
21 **Q** Okay. And you can't tell me as we sit here today  
22 when one particular brand of mask was used versus  
23 any other brand, could you?  
24 **A No.**  
25 **Q** And were masks discontinued for a period in around

1 **A Yeah.**  
2 **Q** -- you might see some products?  
3 **A Yeah.**  
4 **Q** Okay. The packaging of -- did you ever see the  
5 packaging of any masks or respirators out at the  
6 facility?  
7 **A I don't recall.**  
8 **Q** Was there ever any writing on any of the masks or  
9 respirators out at the facility?  
10 **A I don't know.**  
11 **Q** Can you describe the masks for me? I think you  
12 said they were, like, a white paper mask?  
13 **A They come in all -- all together, and you just**  
14 **grab one and kind of form it to the face and with**  
15 **a -- with a rubber band, or whatever you want to**  
16 **call it, on the back.**  
17 **Q** Okay.  
18 **A The ones that I -- that I've seen.**  
19 **Q** Do you recall if there was just one rubber band or  
20 more than one?  
21 **A I don't know.**  
22 **Q** Do you recall how the rubber band was attached to  
23 the mask?  
24 **A I don't recall.**  
25 **Q** Other than the paper-appearing material on the

Page 90

Page 92

1 1977?  
2 **A I don't know.**  
3 **Q** I think you testified earlier you didn't have any  
4 role in ordering any masks or respirators?  
5 **A No.**  
6 **Q** You don't know how the decisions were made to use  
7 a particular brand; is that correct?  
8 **A No. That's correct, yes.**  
9 **Q** And you don't know how the decision was made as to  
10 what particular model to use; is that correct?  
11 **A That's correct.**  
12 **Q** Do you know if 3M masks were ever used at the  
13 facility?  
14 **A I don't know.**  
15 **Q** Do you associate any product or service with the  
16 name 3M other than masks?  
17 **A 3M is a pretty -- yeah. Yeah, I've heard -- I've**  
18 **heard the name.**  
19 **Q** Okay. Do you associate any products or services  
20 with that company as you sit here today?  
21 **A I can't think of any right off the top of my head,**  
22 **no. But I -- you know, stick-them-ons or**  
23 **something like that or --**  
24 **Q** So you're saying if you go into an office supply  
25 store or maybe Home Depot --

1 mask, was there any -- and the band, was there any  
2 other material on that?  
3 **A I don't know.**  
4 **Q** Were the masks all similar sized?  
5 **A I don't know if they had different sizes or not.**  
6 **Q** Okay. What was the color of the masks?  
7 **A White.**  
8 **Q** All of them were white?  
9 **A The ones that I saw.**  
10 **Q** Is it, like, a smooth texture on the -- on the  
11 mask?  
12 **A I don't recall.**  
13 **Q** Are there any logos on the masks?  
14 **A Not that I can recall.**  
15 **Q** I believe I read somewhere -- correct me if I'm  
16 wrong -- that there were cartridge respirators  
17 used in certain departments; is that correct?  
18 **A I believe there was, yeah.**  
19 **Q** Were you responsible for -- and I think you might  
20 have said you weren't responsible for masks. It  
21 was the manager in each department, but were you  
22 responsible for any fit testing or training on how  
23 to wear properly these masks?  
24 **A No.**  
25 **Q** Okay. So do you know if the managers in the

23 (Pages 89 to 92)



## Deposition of Jerry Saindon, 3/12/2014

Page 93

departments were responsible for that?

**A I don't know.**

**Q** Okay. You mentioned kind of -- kind of made a movement like you would take a mask.

Was there -- would it just be a pile of masks sitting somewhere?

**A I think they were kind of in a -- I don't know if they were in a box or in a -- you know, there was quite a few of them in a -- in a bundle or whatever you want to call it.**

**Q** Would these be in a supply area, or were they just kind of sitting around?

**A Well, this was in each department where you had to wear them. I can't even remember where they had them placed, but before you could go into the area, you're supposed to put a mask on.**

**Q** Okay. And in what time period are you talking about? Could this be later? Like in the -- I saw that there was -- I think masks were worn in the '80s or '90s; is that correct?

MS. ELLIS: Object to form.

THE WITNESS: I don't know.

BY MR. WILLIAMS:

**Q** Okay. It wasn't the entire time you were at this facility that masks were readily available, was

Page 94

it?

MS. ELLIS: Object to form.

THE WITNESS: All the while I was there?

BY MR. WILLIAMS:

**Q** Correct.

**A No.**

**Q** Okay. Do you have any way of telling me when -- I think you might have already answered this, so a apologize -- but when masks were first available?

**A I don't know.**

**Q** Do you know who was responsible for ordering masks?

**A Purchasing, to my knowledge.**

**Q** You don't know where the masks came from, do you?

**A No.**

**Q** I think you already said you don't know the manufacturer of any of the masks or respirators used at the facility?

**A No.**

**Q** I think I asked if you saw any logos on the masks. You don't recall any writing on the masks, do you?

**A No.**

**Q** And you couldn't tell me the model number of any mask, could you?

Page 95

**A No.**

**Q** You couldn't tell me if there was any -- do you know if there were any NIOSH, Bureau of Mines, or OSHA designations for the masks?

**A I don't know.**

MR. WILLIAMS: Okay, sir. Thank you very much for your time today.

MS. GIERKE: Can we take a short break?

MS. ELLIS: Yes.

(A recess is taken from 12:04 p.m. to 12:35 p.m.)  
(Exhibit Nos. 5-21 marked for identification.)

E X A M I N A T I O N

BY MS. GIERKE:

**Q** Mr. Saindon, my name is Nora Gierke, and I'm going to ask you some follow-up questions.

First question, I represent General Electric company.

**A Um-hum.**

**Q** Do you have any knowledge about any GE equipment or products that you worked with or around while you were at Weyerhaeuser?

**A No.**

**Q** So is it fair to say you can't give any testimony about working with or around a GE product that contained asbestos during your time at

Page 96

Weyerhaeuser?

**A Not to my knowledge.**

**Q** Now, you were asked about a bunch of names, and I'm going to run through those names to remind you and then ask you that same question.

With regard to Mabel Karl, you testified you didn't know who she was. So fair to say you're not going to be able to testify that Mabel Karl was ever exposed to a GE product; correct?

**A Yes.**

MR. McCOY: Object to the form of these questions.

Can I have a standing objection to that?

MS. GIERKE: Yes.

What is your form objection?

MR. McCOY: Well, you're here to ask him about facts that he knows and observes. Whether he can legally testify to something is a matter for the judge to rule on.

MS. GIERKE: I'll give you a standing --

MR. McCOY: So you can certainly ask him if he knows anything about her exposure to a GE product that contained asbestos, but you can't -- the way you phrased the question is not proper form.

24 (Pages 93 to 96)

## Deposition of Jerry Saindon, 3/12/2014

Page 97

Page 99

MS. GIERKE: I'll give you a standing on that.

MR. McCOY: Okay.

BY MS. GIERKE:

Q You testified that you didn't know what jobs Sharon Heckel worked on. And so based on that testimony and what you've just said about GE products, fair to say that you're not going to be able to give any testimony that you have any knowledge of Sharon Heckel working with or around a GE product?

A Yes.

MR. McCOY: That also misstates his testimony, but he's answered. That's fine.

BY MS. GIERKE:

Q With regard to Rita Treutel -- Treutel, is it fair for me to assume you aren't going to be able to give any testimony Ms. Treutel worked with or around a GE product; right?

A Yes.

Q Same thing with Leroy Treutel. You don't have any information and are not going to be able to give any testimony that Mr. Treutel ever worked with or around a GE product?

A Yes.

as safety director, you reviewed the OSHA regulations that were in place at the time; correct?

A Yes.

Q Is it also correct that in 19--

MR. McCOY: Are you saying that he's now permitted to testify to these things? I mean, you've established that he can't testify in these cases. Are you saying now it's okay for him to testify?

MS. GIERKE: I'm not sure what you're getting at, Bob.

MR. McCOY: Well, I mean, my objection -- my objection is, you know, you've just -- you're asking him questions now. And he said he -- he said he wasn't going to be able to testify in these cases.

MS. GIERKE: No.

MR. McCOY: Go ahead. You can ask your questions.

MS. GIERKE: Okay. Are you going to keep objecting, or do you want some sort of standing objection?

MR. McCOY: Well, again, if you can give me a standing objection, fine. I just --

Page 98

Page 100

Q Meaning that's correct? My --

A Correct.

Q And I don't know if you were asked about Frank Zickert. And if you were, I maybe missed it.

Do you know who Frank Zickert is?

A I knew him.

Q Do you have any information or knowledge about whether he worked with or around a GE product?

A No.

Q So you can't give any testimony with regard to that?

A No.

Q Now, I --

MR. McCOY: So I think we're done -- I think we're done, aren't we, since he doesn't have any testimony?

MS. GIERKE: I actually have some --

MR. McCOY: I mean, isn't that the end of it?

MS. GIERKE: No. I do have some more questions.

MR. McCOY: Okay.

BY MS. GIERKE:

Q You testified that you -- when you first started

MS. GIERKE: What is the standing objection you want?

MR. McCOY: Well, it's to what you're doing now, which is asking him to --

MS. GIERKE: Taking discovery?

MR. McCOY: -- to take discovery in cases where you established that you think he can't testify.

Go ahead.

MS. GIERKE: Well -- okay. Well, I won't give a standing objection that I can't take discovery.

MR. McCOY: Okay.

MS. GIERKE: I asked questions about what he can testify with regard to GE products.

MR. McCOY: Well, like I said, go ahead so we can move -- move it along.

MS. GIERKE: Happy to.

BY MS. GIERKE:

Q So back to my question about OSHA.

Is it fair to assume -- well, is it true that you also would have reviewed regulations in 1972 that OSHA issued regarding the dangers associated with asbestos?

A I probably did. I don't recall.

25 (Pages 97 to 100)

## Deposition of Jerry Saindon, 3/12/2014

Page 101

1 Q Would that have been part of your role as safety  
2 director, to keep abreast of new regulations that  
3 OSHA issued?  
4 A **I guess that's safe to say that, yeah.**  
5 Q Did you take it upon yourself to periodically  
6 brush up on what the -- what the current OSHA  
7 regulations were?  
8 A **Well, I got the Federal Register, and then, you**  
9 **know, go through that.**  
10 Q And that's where the regulations with regard to  
11 OSHA would have been?  
12 A **As far as I can remember.**  
13 Q Okay. And so you had a copy of the Federal  
14 Register somewhere on site at Weyerhaeuser?  
15 A **Yes.**  
16 Q And you would periodically review that?  
17 A **Yes.**  
18 Q And is it true, though, that at some point you did  
19 become aware that OSHA issued regulations with  
20 regard to asbestos while you were at Weyerhaeuser  
21 as safety director?  
22 A **I guess I did, yeah.**  
23 Q Are you guessing or -- I mean, I don't want you to  
24 guess.  
25 A **It's just --**

Page 103

1 Q And your understanding was Mr. Wendlick was doing  
2 his best to comply with OSHA regulations?  
3 A **Yes.**  
4 Q Including those with regard to asbestos?  
5 A **Yes.**  
6 Q I'm going to ask you, at some point did you recall  
7 meeting -- do you recall meeting with Mr. Wendlick  
8 to set up something referred to as an "asbestos  
9 monitoring program" to comply with OSHA  
10 regulations?  
11 A **I don't remember.**  
12 Q Do you remember whether Weyerhaeuser ever  
13 implemented something, whether it was called an  
14 "asbestos monitoring program" or known by some  
15 other name, but does any of that ring a bell with  
16 you?  
17 A **The only thing would be the -- air sampling is the**  
18 **only thing that I can recall.**  
19 Q Okay.  
20 A **If that's what you're talking about.**  
21 Q Well, let me ask this: Do you remember whether  
22 Weyerhaeuser ever implemented a program where they  
23 were monitoring employees for whether they had  
24 been exposed to asbestos?  
25 A **Well, the medical center didn't -- they did chest**

Page 102

1 Q You knew --  
2 A **-- it's a long --**  
3 Q You knew about OSHA having regulations regarding  
4 asbestos?  
5 A **Yes.**  
6 Q And you knew that when you were at Weyerhaeuser?  
7 A **Yeah. Yes.**  
8 Q And it sounds like what you're saying is you can't  
9 remember specifically when you became aware of  
10 that?  
11 A **Yes.**  
12 Q You were aware that one of the things that  
13 Mr. Wendlick was doing when he came on site at  
14 Weyerhaeuser was to -- in reaction to OSHA issuing  
15 regulations with regard to asbestos, Mr. Wendlick  
16 was trying to put into place policies and  
17 procedures to comply with those OSHA regulations;  
18 correct?  
19 A **As far as I remember, yes.**  
20 Q And part of your role at Weyerhaeuser was to make  
21 sure that the policies and procedures for safety  
22 were complying with OSHA?  
23 A **Yes.**  
24 Q And you worked hard to do that?  
25 A **Yes.**

Page 104

1 **x-rays and things like that. And that would have**  
2 **been the medical end of it more, I think.**  
3 Q Was that happening when you were the safety  
4 director from 1970 to 1977?  
5 A **Yes.**  
6 Q And do you have any understanding about what  
7 exactly the medical center was doing chest x-rays  
8 for?  
9 A **Yes.**  
10 Q And what was your understanding?  
11 A **They were looking for any changes in their lungs,**  
12 **as far as I can understand.**  
13 Q Do you know anything more than that about why they  
14 were looking at that specifically?  
15 A **I -- I don't know.**  
16 Q Do you have any idea about whether the testing  
17 regarding x-rays had anything to do with asbestos?  
18 A **I don't recall.**  
19 Q Did you play any role in that testing that the  
20 medical center was doing?  
21 A **No.**  
22 Q You just had knowledge of it?  
23 A **Yes.**  
24 Q Did you personally have tests done on site at  
25 Weyerhaeuser with the medical personnel there?

## Deposition of Jerry Saindon, 3/12/2014

Page 105

1 **A Did I what?**  
 2 Q Did you have tests done by the medical  
 3 personnel --  
 4 **A No.**  
 5 Q -- on site?  
 6 **A No.**  
 7 Q Who was -- who was the medical personnel -- who  
 8 were the medical personnel testing on site at  
 9 Weyerhaeuser?  
 10 **A Lois Brundidge handled most of that. She was the**  
 11 **plant nurse there, and they had a -- she had a**  
 12 **doctor that came in and helped her, I guess.**  
 13 Q What was the doctor's name?  
 14 **A The last one I can remember, his name was Heywood.**  
 15 **Dr. Heywood.**  
 16 Q That's the last doctor that was there that you  
 17 can --  
 18 **A That I can remember.**  
 19 Q Was there somebody else who preceded him?  
 20 **A No.**  
 21 Q You don't know the name of any other doctor?  
 22 **A No.**  
 23 Q And you didn't work with those folks personally?  
 24 **A No.**  
 25 Q I asked you, I think, who -- do you know who

Page 107

1 MS. GIERKE: Yep.  
 2 MS. ELLIS: Tanya Ellis on behalf of  
 3 Weyerhaeuser, and I would object to Exhibits  
 4 Nos. -- Exhibit Nos. 5, 6, 8, 9, 10, 11, 12, 13,  
 5 14, 18, and 20 as -- for foundation and source of  
 6 documents. They are not documents that have been  
 7 produced in the course of this litigation.  
 8 MS. GIERKE: And I'll represent that  
 9 these were documents that I retrieved from the  
 10 Rule 26 disclosures that plaintiff offered.  
 11 Some of them are not Bates-labeled.  
 12 These are how they were produced to me.  
 13 BY MS. GIERKE:  
 14 Q And I'll ask the witness now to look at Exhibit 5,  
 15 which should be the first one on the stack.  
 16 Do you see Exhibit 5, Mr. Saindon?  
 17 **A Um-hum.**  
 18 Q Just can you look at this? And I'll ask you,  
 19 first of all, it appears to be date-stamped  
 20 May 23, 1973, and there's an indication -- a  
 21 "From" line that says "R.S. Welch." And then --  
 22 **A Yes.**  
 23 Q -- above that it says, "For attention of:  
 24 Jerry Saindon, Jim Gallatin, and R.S. Welch"  
 25 again.

Page 106

1 they -- they weren't testing -- you never received  
 2 a test?  
 3 **A No.**  
 4 Q Okay. Do you know who they were testing? Which  
 5 employees?  
 6 **A They had a list of them, and I couldn't tell you**  
 7 **who they were.**  
 8 Q Okay.  
 9 **A Not anymore.**  
 10 Q At some point did you ever participate in putting  
 11 together that list that they were working off of  
 12 to identify who -- which employees were going to  
 13 be tested?  
 14 **A Not that I can recall.**  
 15 Q You should have a stack of documents in front of  
 16 you, and I've asked the court reporter to premark  
 17 those as Exhibits 5 through 21. And I'd like to  
 18 ask you to take a look at these one by one. I'll  
 19 walk you through and maybe ask some questions  
 20 about each of these.  
 21 MS. ELLIS: Is this set marked right  
 22 here?  
 23 MS. GIERKE: It is.  
 24 MS. ELLIS: Let me just take a quick  
 25 look.

Page 108

1 Do you recognize that document?  
 2 **A Do I recognize it? Not really.**  
 3 Q Okay. Do you know -- you've already testified, I  
 4 think, about some of those folks.  
 5 You would agree, you worked at Weyerhaeuser  
 6 with Mr. Gallatin and Mr. Welch?  
 7 **A Yes.**  
 8 Q And Mr. Welch was -- remind me again. What was  
 9 his job?  
 10 **A He was a general manager.**  
 11 Q It appears to be Mr. Welch is sending you a memo  
 12 with regard to an update on some news that he  
 13 wanted you to hear about with regard to asbestos.  
 14 Is that something that Mr. Welch regularly  
 15 did, keep you informed about updates with regard  
 16 to asbestos regulations?  
 17 MS. ELLIS: Object to form.  
 18 THE WITNESS: I would say he did, yes.  
 19 BY MS. GIERKE:  
 20 Q And how would a memo be sent to you if you were to  
 21 receive a memo from Mr. Welch?  
 22 This was back in the days before email;  
 23 correct?  
 24 **A Yes.**  
 25 Q So would you receive a paper copy of a memo that

## Deposition of Jerry Saindon, 3/12/2014

Page 109

1 Mr. Welch wanted you to review?  
 2 **A Yeah. Like this one.**  
 3 Q Like this one?  
 4 And then did you have a mailbox, or did  
 5 somebody from Weyerhaeuser walk around and deliver  
 6 paper memos?  
 7 **A We -- they had a mailbox out there, yeah.**  
 8 Q You had your own mailbox personally?  
 9 **A Yeah. Yeah.**  
 10 Q And was it part of your job duty to check the  
 11 mailbox daily and review any memos that you  
 12 received?  
 13 **A Usually, yes.**  
 14 Q Did you personally make it a regular practice to  
 15 do that, to check your mail and review the memos  
 16 that you would have received?  
 17 **A I believe I did, yeah.**  
 18 Q And I understand some of this information is  
 19 several decades old, so --  
 20 **A Yeah.**  
 21 Q -- that's why I'm asking you, to see if any of  
 22 this refreshes your recollection.  
 23 Can I ask you to turn to Exhibit 6? And this  
 24 is a -- it's a five-page handwritten document. At  
 25 the top, it's dated January 12, 1973. It says,

Page 110

1 "To: R.S. Welch. From: J.R. Saindon."  
 2 First of all, do you recognize this  
 3 handwriting?  
 4 **A Looks like mine.**  
 5 Q And it's not signed, I'll represent to you. At  
 6 the end of the pages, there is no signature. But  
 7 you say you recognize that handwriting as your  
 8 own?  
 9 **A Um-hum.**  
 10 Q Do you recall -- and I'll give you a minute to  
 11 flip through it.  
 12 Do you recall writing this memo?  
 13 **A No.**  
 14 Q So if I ask you questions about what was going on  
 15 at the time, you're not going to remember?  
 16 **A (Indicating.)**  
 17 Q It appears that --  
 18 MR. McCOY: I don't think he answered  
 19 the question.  
 20 MS. GIERKE: Oh, sorry. You're right.  
 21 BY MS. GIERKE:  
 22 Q You shook your head. Could you answer verbally?  
 23 **A I don't recall writing it. It's my writing, but I**  
 24 **don't specifically remember doing it.**  
 25 Q If you would, please, just take a minute to read

Page 111

1 through real quickly and see if it refreshes your  
 2 recollection.  
 3 **A Apparently we were -- they were looking at any**  
 4 **jobs where they were working with asbestos.**  
 5 Q Do you remember doing that now that you've looked  
 6 at this -- and is it correct that in reading this,  
 7 your understanding is that it's you writing to  
 8 Mr. Welch talking about creating a list of jobs at  
 9 Weyerhaeuser that may involve exposure to  
 10 asbestos?  
 11 MR. McCOY: It's a compound question.  
 12 MS. ELLIS: Object to form.  
 13 MR. McCOY: Go ahead. You can answer.  
 14 THE WITNESS: Yes.  
 15 BY MS. GIERKE:  
 16 Q Do you remember doing that, putting together a  
 17 list for Mr. Welch?  
 18 **A I don't remember that, no.**  
 19 Q I'm going to ask you to flip to Exhibit 7. And  
 20 Exhibit 7 appears to be a memo, and it's a  
 21 two-page document.  
 22 At the bottom, we have the Bates numbering on  
 23 here. It's been cut up, but it appears to be  
 24 Bates-labeled WY02-001070 and 1072, so I'm not  
 25 sure if there's a page missing in there. But the

Page 112

1 cover page is what I wanted to ask you about.  
 2 This appears to have been dated January 15,  
 3 1973, which is about three days after the  
 4 Exhibit 6 handwritten --  
 5 **A Um-hum. Um-hum.**  
 6 Q -- from J.R. Saindon, and then it's signed --  
 7 there's a signature there. It's a little faint.  
 8 Can you recognize whether that's your  
 9 signature or not?  
 10 **A That looks like my signature, yeah.**  
 11 Q In looking at Exhibit 7, the first page, do you  
 12 recall this memo to R.S. Welch?  
 13 **A This looks like it's an after-shoot of this one**  
 14 **here.**  
 15 Q I was going to ask you whether you recall that.  
 16 **A Yeah.**  
 17 Q So it appears, from the face of it, that Exhibit 7  
 18 is a follow-up to the work that was done on  
 19 Exhibit 6.  
 20 **A That's what it looks like, yes.**  
 21 Q Is it -- is your answer similar to your answer  
 22 about Exhibit 6, that you don't recall doing the  
 23 work on --  
 24 **A Yes.**  
 25 Q -- creating this job list?

28 (Pages 109 to 112)



## Deposition of Jerry Saindon, 3/12/2014

Page 113

1 **A Yes.**  
 2 Q Okay. And so with regard to whether you had any  
 3 follow-up conversations with Mr. Welch about this  
 4 job list, is that similar? Do you recall one way  
 5 or the other what happened?  
 6 **A No. I don't remember.**  
 7 Q And is it fair, then, to assume that you don't  
 8 recall who would have asked you to put together  
 9 this kind of job list?  
 10 **A I'm not sure who would have done that. Probably**  
 11 **R.S. Welch.**  
 12 Q Okay. But do you recall one way or the other?  
 13 **A I don't. No, I don't.**  
 14 Q Is Mr. -- was it Mr. Welch's role with regard to  
 15 you that you would report to him on safety issues?  
 16 **A Yes.**  
 17 Q And at times, would Mr. Welch ask you to take  
 18 certain follow-up actions with regard to  
 19 implementing safety practices or procedures at  
 20 Weyerhaeuser?  
 21 **A Yes.**  
 22 Q And then if you did do a job for Mr. Welch or you  
 23 did take some steps that he asked you to do, was  
 24 it your practice to memorialize that by putting  
 25 together a memo and then sending it to him?

Page 114

1 **A A follow-up letter, yes.**  
 2 Q Okay. So that was something you did in the  
 3 ordinary course of --  
 4 **A Yes.**  
 5 Q -- your job at Weyerhaeuser?  
 6 **A I believe I did, yeah.**  
 7 Q I'm going to ask you just to flip to Exhibit 8,  
 8 then.  
 9 First of all, this is a memo it appears  
 10 you're copied on, if you look at the cc list.  
 11 It's a one-page memo, dated March 16, 1973, from  
 12 L. Brundidge, who it's indicated is the RN that  
 13 you were just talking about.  
 14 **A Yes.**  
 15 Q First of all, do you remember receiving this memo?  
 16 **A No.**  
 17 Q Were you regularly copied on memos from  
 18 Ms. Brundidge when you were at Weyerhaeuser as the  
 19 safety director?  
 20 **A I think I was probably pretty much, yeah.**  
 21 Q So this wouldn't have been unusual to see a memo  
 22 come from Ms. Brundidge --  
 23 **A No.**  
 24 Q -- talking about employee safety issues?  
 25 **A No.**

Page 115

1 Q You were kept in the loop pretty regularly on  
 2 safety issues --  
 3 **A Yes.**  
 4 Q -- from Ms. Brundidge?  
 5 Is that a "yes"? Was that a "yes"? Sorry.  
 6 **A Yes.**  
 7 Q The memo is talking about identifying certain  
 8 employees who aren't physically in a certain  
 9 condition that they would be able to work in the  
 10 mineral core area.  
 11 Are you aware of what standards or review was  
 12 done of employees to determine --  
 13 **A I don't remember that anymore.**  
 14 MS. ELLIS: Hold on one second. Object  
 15 to the form of that question.  
 16 BY MS. GIERKE:  
 17 Q You can go ahead and answer.  
 18 **A I don't --**  
 19 MR. McCOY: He answered.  
 20 THE WITNESS: I don't remember.  
 21 BY MS. GIERKE:  
 22 Q Did you make -- did you take any role in  
 23 evaluating employees for whether they were fit for  
 24 duty, so to speak?  
 25 **A No.**

Page 116

1 Q Do you know who would have done that at  
 2 Weyerhaeuser?  
 3 **A I don't know, other than Lois. I don't know.**  
 4 Q Exhibits 9 and 10 I can ask you about just real  
 5 quickly one -- one at a time. But pull those out.  
 6 Those appear to be, Exhibit 9, a handwritten  
 7 document. At the bottom it appears to be a  
 8 signature.  
 9 Can you recognize whether that's your  
 10 signature?  
 11 **A Yes.**  
 12 Q It is?  
 13 **A Yes, it is.**  
 14 Q And it's dated April 3, 1973, to Wes.  
 15 **A Yes.**  
 16 Q Do you remember -- and take a minute if you want  
 17 to read through it.  
 18 Do you remember writing this handwritten memo  
 19 to Wes?  
 20 **A I don't remember it. I don't remember handwriting**  
 21 **it, no.**  
 22 Q And is that Wes Sydow?  
 23 **A Yes.**  
 24 Q Okay. The memo is talking about that there was a  
 25 problem on the second shift in the core mill and

1 there was an issue in terms of creating -- well,  
2 the way it's written I'll say, "They have been  
3 throwing entire rejected core and rails in hog  
4 rather than removing rails and disposing of core  
5 via whole pieces to dump. This is creating  
6 serious dust problems in dry clipping."

7 Was it your practice if you saw an issue at  
8 Weyerhaeuser to notify Wes Sydow?

9 MS. ELLIS: Object to the form of the  
10 question.

11 THE WITNESS: Yes.

12 BY MS. GIERKE:

13 Q Do you have any recollection of notifying  
14 Mr. Sydow of an issue --

15 Well, first of all, I know you don't recall  
16 this particular issue, but in general, as you sit  
17 here today, do you have any recollection of ever  
18 notifying Mr. Sydow of a problem, with regard to  
19 the core mill and dust, where it wasn't addressed  
20 to your satisfaction?

21 MR. McCOY: Objection to form and  
22 foundation. It's leading.

23 THE WITNESS: No, I don't recall any.

24 BY MS. GIERKE:

25 Q You don't -- you don't have any recollection of

1 without him laying a foundation for the contents  
2 of the document.

3 BY MS. GIERKE:

4 Q I'm going to ask you to turn to Exhibit 11. It's  
5 a two-page document. The cover page is a memo  
6 dated May 3, 1973, from R.S. Welch to  
7 Dale Schultz. And at the bottom, there's a cc,  
8 and you appear to be named as a cc on that, on the  
9 first page there.

10 A **Um-hum. Um-hum.**

11 Q Do you recall receiving this document?

12 A **No.**

13 Q Who is Dale Schultz again?

14 A **He was the manager of engineering. Engineering  
15 manager, I believe that was his title.**

16 Q Were you pretty typically cc'd on documents like  
17 this to other -- well, I shouldn't say "like  
18 this."

19 Was it -- in your role as safety director,  
20 would you be cc'd when Mr. Welch would write to  
21 other managers about safety concerns at  
22 Weyerhaeuser?

23 MR. McCOY: Objection to form and  
24 foundation.

25 THE WITNESS: I believe I was, yes.

1 you telling Mr. Sydow that there was an issue and  
2 that he didn't respond to it?

3 A **No.**

4 Q The second -- Exhibit 10, the second page I asked  
5 you to pull through, it's similarly a handwritten  
6 memo. It appears to be your signature there.

7 Can you confirm whether you recognize that as  
8 your signature?

9 A **Yes, that's my signature.**

10 Q Okay. And this is, again, a handwritten memo to  
11 Wes. This one is dated May 16, 1973. Take a  
12 quick minute. It's a one-paragraph memo.

13 If you can look at that and let me know  
14 whether you recall writing to Wes, writing this  
15 memo to Wes.

16 A **Well, that's my writing.**

17 Q It's your handwriting?

18 A **I don't recall -- yes. I don't recall writing it.**

19 Q In general, again, this is the same issue of  
20 you're notifying Wes of an issue that you've seen.

21 You don't recall this particular incident,  
22 though, is what you're saying?

23 A **No.**

24 MS. ELLIS: Object to the form and  
25 object to questioning the witness about a document

1 BY MS. GIERKE:

2 Q And that was to keep you informed of what was  
3 going on in the plant?

4 A **Yes.**

5 Q Next, Exhibit 12, if you could turn to, please.  
6 It's a one-page exhibit. It's dated -- a memo  
7 dated July 27, 1973. The subject is "Working in  
8 Mineral Core Department" from D.C. McGiveron,  
9 M-C-G-I-V-E-R-O-N, to Dave McGiveron.

10 It appears he's memo'd himself, but you're  
11 cc'd at the bottom. Do you see that?

12 A **Yes.**

13 Q Take a quick look. Do you recall receiving this  
14 memo?

15 A **No.**

16 Q Do you recall the topic of whether or not -- let  
17 me ask it this way.

18 Do you recall monitoring the mineral core  
19 areas as to whether or not they were meeting OSHA  
20 standards with regard to the need to wear masks or  
21 not?

22 A **I don't recall.**

23 Q So you don't recall that being a topic when you  
24 were safety director?

25 A **Not that I can remember.**

## Deposition of Jerry Saindon, 3/12/2014

Page 121	Page 123
<p>1 Q Okay. Is it fair to say, though, that you -- you</p> <p>2 can't say that this wasn't happening?</p> <p>3 In other words, you don't have any basis to</p> <p>4 say that Weyerhaeuser wasn't monitoring the</p> <p>5 mineral core area and trying to meet OSHA</p> <p>6 standards with regard to whether or not masks were</p> <p>7 needed?</p> <p>8 <b>A No.</b></p> <p>9 MS. ELLIS: Object to the form of the</p> <p>10 question.</p> <p>11 MR. MCCOY: Yes, I join.</p> <p>12 BY MS. GIERKE:</p> <p>13 Q I'm going to ask you to turn to Exhibit 13 --</p> <p>14 actually, 13 and 14 I can ask you both about at</p> <p>15 the same time.</p> <p>16 13 is a one-page memo dated October 23, 1973,</p> <p>17 from R.S. Welch, and you're one of the recipients.</p> <p>18 And then Exhibit 14 is a November 12, 1973,</p> <p>19 memo from K.A. Schommer, S-C-H-O-M-M-E-R, and</p> <p>20 you're also a recipient.</p> <p>21 Both of these talk about -- well, let me ask:</p> <p>22 Do you ever remember receiving documents like</p> <p>23 these?</p> <p>24 MR. MCCOY: Objection to form.</p> <p>25 THE WITNESS: We got documents like</p>	<p>1 the first two appear to be relatively similar,</p> <p>2 almost identical to the second two.</p> <p>3 If you could look at the four pages. It's a</p> <p>4 memo dated January 11, 1974, from J.R. Gallatin to</p> <p>5 Jerry Saindon, titled "Precautionary Procedures</p> <p>6 for Handling Asbestos."</p> <p>7 Do you recall receiving this document?</p> <p>8 <b>A I don't specifically remember receiving this, you</b></p> <p>9 <b>know, no.</b></p> <p>10 Q Let me ask you about the topic of creating a list</p> <p>11 of mechanical and procedural changes to make to</p> <p>12 the mineral core plant to meet certain health</p> <p>13 standards. That's something that it would have</p> <p>14 been regular for you to be involved in while you</p> <p>15 were safety director at Weyerhaeuser; correct?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And Mr. Gallatin -- it would -- it would have been</p> <p>18 typical for Mr. Gallatin to work with you on those</p> <p>19 issues?</p> <p>20 <b>A Gallatin?</b></p> <p>21 Q Sorry. I'm mispronouncing his name. Gallatin.</p> <p>22 <b>A Yeah. Well, he was the superintendent out there.</b></p> <p>23 Q So he's someone you recall working with on --</p> <p>24 <b>A Yes.</b></p> <p>25 Q -- health and safety issues at Weyerhaeuser?</p>
Page 122	Page 124
<p>1 these all the time on meetings.</p> <p>2 BY MS. GIERKE:</p> <p>3 Q So --</p> <p>4 <b>A I don't -- I don't recall ever receiving these</b></p> <p>5 <b>specific ones.</b></p> <p>6 Q These documents specifically you're reviewing and</p> <p>7 not recalling receiving; correct?</p> <p>8 <b>A No.</b></p> <p>9 Q But it's fair to say that you recall receiving</p> <p>10 regular notices of meetings with regard to</p> <p>11 asbestos exposure issues while you were at</p> <p>12 Weyerhaeuser? That's something that you got</p> <p>13 notice of meetings taking place; correct?</p> <p>14 MS. ELLIS: Objection to form.</p> <p>15 THE WITNESS: I guess, yeah. We got all</p> <p>16 kinds of notices of all kinds of meetings.</p> <p>17 BY MS. GIERKE:</p> <p>18 Q And was it your regular practice that if you got</p> <p>19 notice of a meeting like this, that you would</p> <p>20 attend the meeting?</p> <p>21 <b>A Yes.</b></p> <p>22 Q Exhibit 15, if you could turn to that next</p> <p>23 document. And actually, I think somehow there's</p> <p>24 a -- this is a four-page document, but I actually</p> <p>25 thing it's duplicative. There are four pages, but</p>	<p>1 Is that a "yes"?</p> <p>2 <b>A Yes.</b></p> <p>3 Q The very last page of that exhibit, if you can</p> <p>4 flip to it, it appears there's a signature there.</p> <p>5 Do you recognize whether that's</p> <p>6 Mr. Gallatin's signature?</p> <p>7 <b>A It looks like his signature, yes.</b></p> <p>8 Q And you received memos from Mr. Gallatin regularly</p> <p>9 when you were at Weyerhaeuser?</p> <p>10 <b>A Yes.</b></p> <p>11 Q So you're familiar with his signature?</p> <p>12 <b>A Yes.</b></p> <p>13 Q All right. No. 16 -- we're coming to the end</p> <p>14 here -- it's a memo, two pages, dated January 14,</p> <p>15 1974, from J.R. Saindon.</p> <p>16 And for the record, there's a -- there's two</p> <p>17 different Bates numbers on this document. One is</p> <p>18 WY02-000810 through 811 and there's also a Bates</p> <p>19 number, all caps, WEYER 1050 through 1051.</p> <p>20 Do you recognize this document?</p> <p>21 <b>A What am I looking at?</b></p> <p>22 Q Exhibit 16.</p> <p>23 <b>A 16. Yeah. Okay.</b></p> <p>24 Q Is that the one you have in front of you?</p> <p>25 <b>A Yes. Okay.</b></p>

Deposition of Jerry Saindon, 3/12/2014

Page 125	Page 127
<p>1 Q Have you ever seen that document before?</p> <p>2 A <b>I probably have. I don't remember.</b></p> <p>3 Q It's not signed, so it appears that it says it's</p> <p>4 from you, but you don't recall sending it?</p> <p>5 A <b>I don't remember it, no.</b></p> <p>6 Q The subject is, "Improvements Made for Handling</p> <p>7 Asbestos (Per OSHA Request - Mr. Milan" -- I don't</p> <p>8 know if I'm going to say this right -- "Racic)."</p> <p>9 A <b>Racic.</b></p> <p>10 Q Racic?</p> <p>11 A <b>Yeah.</b></p> <p>12 Q Who is Milan Racic?</p> <p>13 MR. McCOY: He's already answered that.</p> <p>14 BY MS. GIERKE:</p> <p>15 Q Oh, I'm sorry if you have.</p> <p>16 A <b>He was an industrial --</b></p> <p>17 Q Oh, the hygienist.</p> <p>18 A <b>He was from OSHA, and he was the same -- same as</b></p> <p>19 <b>Joe Wendlick. What do I want to say?</b></p> <p>20 <b>What was Joe's title again?</b></p> <p>21 Q Industrial -- was he an industrial hygienist?</p> <p>22 A <b>Industrial -- yeah, industrial hygienist. That's</b></p> <p>23 <b>what he was, I believe, yeah.</b></p> <p>24 Q Do you have any recollection of providing any kind</p> <p>25 of recommended procedural changes in response to</p>	<p>1 when I say "tagging" means "labeling," is that</p> <p>2 consistent with your understanding?</p> <p>3 A <b>Yes.</b></p> <p>4 Q So you have a recollection of while you were at</p> <p>5 Weyerhaeuser, there was an effort to label</p> <p>6 third-party products?</p> <p>7 A <b>Yes.</b></p> <p>8 Q But do you remember anything more than that?</p> <p>9 A <b>As far as labeling, you mean?</b></p> <p>10 Q Let me ask it this way.</p> <p>11 MR. McCOY: Object to foundation. What</p> <p>12 time period are we talking about now?</p> <p>13 MS. GIERKE: Let me ask the witness.</p> <p>14 BY MS. GIERKE:</p> <p>15 Q Do you remember when that effort to label</p> <p>16 third-party products was happening?</p> <p>17 A <b>I don't re- -- I don't recall.</b></p> <p>18 Q Was it -- was it when you were safety director?</p> <p>19 MS. ELLIS: Objection. Asked and</p> <p>20 answered.</p> <p>21 THE WITNESS: If it was in '74, it would</p> <p>22 have been, yeah.</p> <p>23 BY MS. GIERKE:</p> <p>24 Q Okay. Do you have an independent recollection?</p> <p>25 A <b>No.</b></p>
Page 126	Page 128
<p>1 OSHA coming in and suggesting changes --</p> <p>2 MS. ELLIS: Object to the form of the</p> <p>3 question.</p> <p>4 BY MS. GIERKE:</p> <p>5 Q -- in 1974?</p> <p>6 A <b>I don't remember specifically, no.</b></p> <p>7 Q I'm going to ask you, turn to the second page of</p> <p>8 that Exhibit 16. And midway down the page there's</p> <p>9 a paragraph 21, and it talks about, "Institute</p> <p>10 tagging of third-party products, stating" -- all</p> <p>11 caps -- "Caution. Contains asbestos fibers.</p> <p>12 Avoid creating dust. Breathing asbestos dust may</p> <p>13 cause serious bodily harm."</p> <p>14 Do you recall taking part when you were</p> <p>15 safety director at Weyerhaeuser in any effort to</p> <p>16 tag, or I'm understanding that to be label,</p> <p>17 third-party products?</p> <p>18 A <b>I remember those --</b></p> <p>19 MS. ELLIS: Object to the form of the</p> <p>20 question.</p> <p>21 THE WITNESS: I remember those tag -- or</p> <p>22 those labels, you know, that they put on, but I --</p> <p>23 that's about all I can tell you.</p> <p>24 BY MS. GIERKE:</p> <p>25 Q Okay. So you remember Weyerhaeuser would -- and</p>	<p>1 Q And do you have any independent recollection of</p> <p>2 what the label actually said?</p> <p>3 A <b>Just on what this says on the sheet here.</b></p> <p>4 Q Does that refresh your recollection or are you</p> <p>5 relying on that document?</p> <p>6 A <b>Well, I can -- I know they put labels on, yeah. I</b></p> <p>7 <b>don't know just exactly what they looked like</b></p> <p>8 <b>anymore, but I remember they had labels on them.</b></p> <p>9 Q Other than being aware of it, did you participate</p> <p>10 in that process of coming up with a label or --</p> <p>11 A <b>No.</b></p> <p>12 Q -- figuring out what products to label?</p> <p>13 A <b>No.</b></p> <p>14 Q If you can turn to Exhibit 17, which is a</p> <p>15 three-page document.</p> <p>16 For the record, it's Bates-labeled capital</p> <p>17 WEYER 1079 through 1081.</p> <p>18 Take a minute and flip through that. It's</p> <p>19 not dated, and there's no "To" and "From" line.</p> <p>20 So do you recognize that document?</p> <p>21 A <b>No.</b></p> <p>22 Q And do you know whether you -- well, let me ask</p> <p>23 you to flip to page 2. The document is titled</p> <p>24 "Things to Do to Improve Mineral Core Dust in the</p> <p>25 Core Mill."</p>

Deposition of Jerry Saindon, 3/12/2014

Page 129

Page 131

1 And on page 2 there's a notation that says,  
2 "Additional clothing - (headgear-coveralls).  
3 Responsibility: C." -- I'm sorry, "G. Gauger,"  
4 G-A-U-G-E-R, "and J. Saindon."

5 Does that refresh your recollection as to  
6 whether you were involved in any kind of  
7 improvements with regard to additional clothing?

8 **A Apparently I was involved, but I don't remember.**

9 MS. ELLIS: Let me object to the form of  
10 the question and lack of any foundation about this  
11 document and any questions related to it.

12 BY MS. GIERKE:

13 Q And I'm not asking you whether you remember this  
14 particular memo. I'm asking about the topic of  
15 were you ever involved in any kind of efforts to  
16 provide some sort of clothing with regard to  
17 safety in terms of mineral dust?

18 **A That's possible.**

19 MS. ELLIS: Object to the form of the  
20 question.

21 THE WITNESS: But I don't remember.

22 BY MS. GIERKE:

23 Q You don't remember?

24 **A No.**

25 Q Exhibit 18 is a memo dated February 5, 1974. It's

1 Areas."

2 And you're in the cc list at the bottom  
3 there, and it's from Ken Powers.

4 **A Um-hum.**

5 Q Do you have any recollection of receiving this  
6 document?

7 **A I don't remember. No.**

8 Q The subject matter -- let me ask you about that --  
9 relates to taking certain safety precautions with  
10 regard to non-employees being on site at  
11 Weyerhaeuser.

12 Do you have any recollection of what, if any,  
13 safety precautions were in place at Weyerhaeuser  
14 for non-employees?

15 **A I don't remember.**

16 Q Is that something that was within your job duties,  
17 to come up with safety precautions, if there were  
18 non-employees coming on site?

19 **A I don't believe so. I don't -- I don't re- -- I**  
20 **don't recall.**

21 Q Do you recall, when you were working as safety  
22 director, having non-employees come on site at  
23 Weyerhaeuser?

24 **A They would have people come on-site, but I --**  
25 **outside salesmen and people like that, you know,**

Page 130

Page 132

1 a two-page document. And the title -- or the  
2 beginning of it -- it doesn't have a "To," but it  
3 says "J.R. Saindon." And on the second page  
4 there's a notation again, "J.R. Saindon."

5 Do you recall whether or not -- well, do you  
6 recognize this document?

7 **A I don't recognize it, no. I probably wrote it,**  
8 **but I don't remember.**

9 Q You don't have an independent recollection?

10 **A I don't remember, no.**

11 Q This next -- Exhibit 19, if you could turn to.

12 Exhibit 19 is a memo dated April 30, 1974,  
13 from D.C. McGiveron to D.C. Schultz, and you're  
14 one of the people that appears to be cc'd on that  
15 document.

16 **A Um-hum.**

17 Q Do you remember receiving that?

18 **A No.**

19 Q And for the record, it's Bates-labeled, all caps,  
20 WEYER 1052.

21 So you don't have any recollection of this  
22 document?

23 **A I don't remember.**

24 Q Exhibit 20 is a memo dated May 8, 1974. The  
25 subject is "Non-Employees Who Go into Mineral Core

1 **but I didn't really have anything to do with them.**

2 Q It wasn't your -- it wasn't part of your job duty  
3 to --

4 **A No.**

5 Q -- to be concerned about the safety with respect  
6 to those --

7 **A No.**

8 Q -- folks?

9 Do you know who, if anyone, would have been  
10 concerned with that at Weyerhaeuser?

11 **A Well, the maintenance and -- maintenance and**  
12 **engineering departments were responsible, like,**  
13 **for all the outside contractors and things like**  
14 **that. It would have been up to them, if I**  
15 **remember.**

16 Q This memo references warning signs.

17 Let me ask you: Do you recall at  
18 Weyerhaeuser there being warning signs with regard  
19 to -- posted signage, I should say, warning  
20 visitors who might be in the area?

21 MS. ELLIS: Object to the form of the  
22 question.

23 THE WITNESS: I don't remember.

24 BY MS. GIERKE:

25 Q I'm going to ask you about Exhibit 21. And that

33 (Pages 129 to 132)



Deposition of Jerry Saindon, 3/12/2014

Page 133

1 should be a two-page document. I think I was  
2 being paper conscious, so it should have two sides  
3 to it.

4 MR. McCOY: Got two, yes.

5 BY MS. GIERKE:

6 Q And the front page, which is marked, is dated  
7 June 8, 1976, it says "J.D. Wendlick," and then  
8 below that it says "May 1976 Marshfield  
9 Spotlight," and below that it says "J.R. Saindon."

10 Do you recognize that document?

11 A I don't remember it, no.

12 Q What's the Marshfield Spotlight?

13 A That was a -- kind of a weekly or -- not a weekly.

14 A monthly or a trimonthly -- I don't know how  
15 often they put it out -- just local news.

16 Q And who put that out?

17 A I don't remember at all.

18 Q Okay. Was it a newsletter that came out through  
19 Weyerhaeuser or some independent organization?

20 A No. It was done locally. I think it was just a  
21 local -- that Wilma Sossaman, she was -- I think  
22 she was Dick Welch's secretary, and she was  
23 involved in that, I think.

24 Q So -- and you're reading the name Wilma  
25 Sossaman --

Page 135

1 BY MS. GIERKE:

2 Q And that "Safety Emphasis Week" is what you said,  
3 that's something referenced in this memo?

4 A Yes. They had a -- they got -- well, they had one  
5 whole building. They had all kinds of safety  
6 displays and the outside -- outside vendors that  
7 came in for safety glasses and whatever.

8 Q And you had mentioned earlier that Mr. Wendlick  
9 was someone that took safety seriously.

10 A Yes.

11 Q So would it have been -- when you were safety  
12 director, would it have been unusual for  
13 Mr. Wendlick to write to you and point out a way  
14 that you could improve safety?

15 A No. That sounds about like something he would do,  
16 yeah.

17 Q And he was pretty serious about that?

18 A Yeah.

19 Q And if he wrote to you and said, "Here's something  
20 I want you to do, Jerry, to improve safety," would  
21 you have followed that directive?

22 A Yes.

23 Q I'm going to ask you just a few more questions.

24 One of those memos referred to visitors. Do  
25 you have any specific knowledge with regard to any

Page 134

1 A Yeah.

2 Q -- S-O-S-S-A-M-A-N?

3 A Yeah.

4 Q That's someone you recall working at Weyerhaeuser?

5 A Yes.

6 Q As Dick Welch's secretary?

7 A Yes.

8 Q And she may have worked on, you recall, this  
9 "Marshfield Spotlight"?

10 A Yeah.

11 Q The memo appears to be Mr. Wendlick writing to you  
12 and -- and asking some questions about something  
13 he's read in the "Marshfield Spotlight."

14 And do you remember this incident? I know  
15 you said you don't remember this memo, but does  
16 it -- do you recall specifically this incident?

17 MS. ELLIS: Object to the form --

18 THE WITNESS: I remember --

19 MS. ELLIS: -- of the question.

20 THE WITNESS: -- the safety -- that  
21 "Safety Emphasis Week," that I do remember, yeah,  
22 because that was when Doug McClary was -- he had  
23 just came on board, not before that, and he was  
24 involved in that.

Page 136

1 on-site visits from anyone at General Electric  
2 coming to Weyerhaeuser?

3 A No.

4 Q And so you don't have any personal knowledge of  
5 that?

6 A No.

7 Q You've testified today about Weyerhaeuser's safety  
8 policies and procedures, and it appears that --  
9 well, is it -- it's fair to say, and it seems as  
10 if, to me, they had -- they had policies and  
11 procedures in place while you were safety director  
12 with regard to the safe handling of asbestos;  
13 correct?

14 MR. McCOY: Object to foundation. Form.

15 THE WITNESS: Yes.

16 MR. McCOY: Go ahead.

17 BY MS. GIERKE:

18 Q Are you aware of ever being told in your role as  
19 safety director to look to some outside third  
20 party to instruct you on what types of safety  
21 procedures Weyerhaeuser should be implementing?

22 A Not that I can remember.

23 Q And specifically as to -- if a company like  
24 General Electric came to Weyerhaeuser and said,  
25 "Here are some specific safety procedures we want

## Deposition of Jerry Saindon, 3/12/2014

Page 137

Page 139

Weyerhaeuser to implement," is that something Weyerhaeuser would have ever followed?

MS. ELLIS: Object to the form of the question.

THE WITNESS: If it would have made sense, I'm sure they would have, yes.

BY MS. GIERKE:

Q Okay. Do you have any knowledge as to Weyerhaeuser and GE talking about any kind of safety policies and procedures?

A No.

MS. ELLIS: Object to the form of the question.

BY MS. GIERKE:

Q And therefore, you don't have any knowledge with regard to -- let me back up.

MS. GIERKE: Well, I think that's actually my last line of questions, so I don't have anything further. But I'm going to let anyone else who wants to follow up. And I appreciate your time.

MR. McCOY: Do you got any further questions?

MS. ELLIS: (Indicating.)

MR. McCOY: Okay. I have just a few.

at the plant when you were safety director.

Do you recall that?

A I'm not sure what you're talking about.

Specifically what?

Q I think that there was some questioning about your doing inspections in the plant --

A Yes.

Q -- for safety purposes.

A Yes.

Q Okay. In the course of those inspections, did you personally develop any programs or procedures for asbestos?

A Not that I can remember.

Q Where did you get information or direction about practices and procedures for asbestos safety? Where or who?

A Well, off of the Federal Register, I think mentioned, and probably Joe Wendlick were the two main ones, I guess.

Q You made some distinction earlier about health issues.

Can you explain to us as between yourself and, like, Joe Wendlick where the responsibility fell for the health issues on asbestos?

MS. ELLIS: Object to the form of the

Page 138

Page 140

MS. ELLIS: Subject to your questions, I do not.

E X A M I N A T I O N

BY MR. McCOY:

Q Mr. Saindon, did anyone from General Electric ever provide information about asbestos exposures during inspection and cleaning of switchgear equipment?

MS. GIERKE: Objection. Lacks foundation.

THE WITNESS: Not to my knowledge.

BY MR. McCOY:

Q Okay. And did you personally know anything about asbestos exposures during the inspection and cleaning process for switchgear?

MS. GIERKE: Objection. Lacks foundation. Assumes facts --

THE WITNESS: No.

MS. GIERKE: -- not in evidence.

BY MR. McCOY:

Q Did Mr. Wendlick give you any direction about asbestos exposures and protecting people during inspection and cleaning of switchgear?

A Not that I can remember.

Q You mentioned about doing some safety inspections

question.

THE WITNESS: The health -- the health problems were probably taken through the -- or taken care of through the medical people in the -- in the plant.

I was more involved with the overall safety program. That was part of it, but the actual -- I don't know what you mean by "the health."

BY MR. McCOY:

Q Okay. I'm talking about health -- is asbestos -- was that regarded as a health or as a safety issue in your thinking?

A Probably both.

MS. ELLIS: Object to the form of the question.

BY MR. McCOY:

Q All right. Let me ask this: Did you get any direction or -- on procedures to be followed for protecting the community against asbestos exposures from Mr. Wendlick?

MS. ELLIS: Object to the form of the question.

THE WITNESS: No.

Deposition of Jerry Saindon, 3/12/2014

Page 141

BY MR. McCOY:

Q Did you get any information or direction from the medical facilities personnel at Marshfield about protecting against community exposures from asbestos?

A Not --

MS. ELLIS: Object to the form --

THE WITNESS: Not that I --

MS. ELLIS: -- of the question.

THE WITNESS: -- remember.

BY MR. McCOY:

Q You said that there was some times where an OSHA inspector was present and you took them through the plant.

Do you remember that?

A Yes.

Q Okay. Were those occasions planned scheduled visits that you knew about in advance?

A No.

MS. ELLIS: Object to the form of the question.

BY MR. McCOY:

Q Did you ever see the OSHA inspector doing testing of the air for asbestos?

A I didn't, no.

Page 143

Weyerhaeuser; correct?

A That's correct.

MS. ELLIS: One last question for me.

E X A M I N A T I O N

BY MS. ELLIS:

Q Mr. Saindon, on behalf of Weyerhaeuser, if I ask for you to return that file that you have that you took with you upon learning that it might contain privileged and confidential documents, would you agree to do that?

MR. McCOY: Objection to the form of that question.

THE WITNESS: If I can -- if I can locate it.

MS. ELLIS: Okay. Thank you.

MR. McCOY: You can either have the court reporter get this typed up and read it and correct anything that you want or you can agree here today that you'll waive that requirement and that that would be deemed acceptable, whatever she prepared.

THE WITNESS: That's fine.

MR. McCOY: The latter?

THE WITNESS: Waive it, yeah.

MR. McCOY: Okay.

Page 142

Q Did OSHA ever provide, to your knowledge, any air testing information about asbestos levels that it had done at the Marshfield facility?

A I don't know. Unless that might have been Racic, the one that was brought up, unless he did. I don't recall.

Q So you don't --

A That's what he was here for, as I understand.

Q Do you remember any actual records from OSHA being provided?

A I don't remember.

MR. McCOY: Okay. I think that's all the questions I've got. Thanks.

MS. GIERKE: I've got a follow-up. Just one.

E X A M I N A T I O N

BY MS. GIERKE:

Q Mr. McCoy just asked you whether you were ever given any warnings regarding the cleaning -- warnings from GE regarding the cleaning of switchgear, and you said you didn't recall; correct?

A Right.

Q You've testified already that you don't recall there being any GE products on site at

Page 144

(Discussion off the record.)

MR. McCOY: We're going to put on the record, then, that the court reporter will be taking all the original exhibits except for No. 4, which I'll keep at my firm, and we'll resolve whatever questions that need to be resolved on that before we would release any of those documents.

And I understand you'll get back to me on that, Ms. Ellis, within, say, by the end of next week about procedures, how we might resolve that?

MS. ELLIS: Sure.

MR. McCOY: Okay.

MR. WILLIAMS: Ms. Ellis, do you also have a copy of this Exhibit 4 as well?

MS. ELLIS: Yes, I do. Yes, I do. I have the copy that Bob gave to me and represented was a copy of Exhibit 4.

(Deposition concluded at 1:30 p.m.)

Deposition of Jerry Saindon, 3/12/2014

Page 145

STATE OF WISCONSIN )

) SS:

COUNTY OF MILWAUKEE )

I, Lindsay DeWaide, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Wisconsin, do hereby certify that the preceding deposition was reported by me and reduced to writing under my personal direction.

I further certify that said deposition was taken at HOLIDAY INN CONFERENCE CENTER, 750 South Central Avenue, Marshfield, Wisconsin, on the 12th day of March, 2014, commencing at 9:43 a.m.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 18th day of March, 2014.

---

LINDSAY DEWAIDE, RPR/RMR/CRR  
Notary Public, State of Wisconsin

My Commission Expires: January 22, 2017.